

**Electronically Filed
Intermediate Court of Appeals
CAAP-20-0000526
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NO. CAAP-20-0000526

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

RONALD G.S. AU, Plaintiff-Appellant, v.
KAWIKA BURGESS, Defendant-Appellee, and
JOHN DOE 1-10; JOHN DOE ENTITITES 1-10, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CC151001452)

ORDER DISMISSING APPEAL

(By: Ginoza, Chief Judge, Fujise and Hiraoka, JJ.)

Upon review of the record, it appears that:

(1) On March 29, 2021, Defendant-Appellee Kawika Burgess (Burgess) filed a Suggestion of Death Upon the Record for self-represented Plaintiff-Appellant Ronald G.S. Au;

(2) On May 12, 2021, the court ordered, among other things, that within thirty days from the date of the order, any party or personal representative of Ronald G.S. Au shall file a statement advising the court whether a personal representative has been appointed and, if so, whether that person wishes to substitute into this case, under Hawai'i Rules of Appellate Procedure (HRAP) Rule 43(a);

(3) On June 9, 2021, Burgess filed a notice in response to the May 12, 2021 order. Attached to the notice is a letter to Burgess's counsel from Ronald G.S. Au's personal representative, Natalie Au Nishida, indicating she does not wish to substitute

into this case, and asking counsel to file a statement to that effect in this appeal.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed, under HRAP Rule 43(a), based upon decedent Ronald G.S. Au's representative's decision not to substitute into this case.

IT IS FURTHER ORDERED that the appellate clerk shall mail a copy of this order to Ronald G.S. Au at his address on record with the Hawaii State Bar Association.

IT IS FURTHER ORDERED that the appellate clerk shall mail a copy of this order to Ryan G.S. Au at his address on record with the Hawaii State Bar Association, for distribution to Natalie Nishida.

DATED: Honolulu, Hawai'i, June 16, 2021.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Alexa D.M. Fujise
Associate Judge

/s/ Keith K. Hiraoka
Associate Judge