

NO. 25626

IN THE SUPREME COURT OF THE STATE OF HAWAII

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DWIGHT J. VICENTE, Claimant-Appellant,

vs.

LIFE CARE CENTER OF HILO and JOHN MULLEN &  
COMPANY, INC., Employer/Insurance Adjuster-Appellee.

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APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD  
(CASE NO. AB 2001-451(H))  
(1-87-00882)

ORDER DENYING EMPLOYER/INSURANCE ADJUSTER-APPELLEE,  
LIFE CARE CENTER OF HILO AND  
JOHN MULLEN & COMPANY, INC.'S MOTION TO DISMISS APPEAL  
(By: Levinson, J.)

Upon consideration of Employer-Appellee Life Care Center of Hilo, Inc. and Insurance Adjuster-Appellee John Mullen & Company, Inc.'s motion to dismiss the appeal of Claimant-Appellant Dwight J. Vincente for failing to comply with HRAP Rule 3 regarding service of the notice of appeal, the papers in support, and the records and files herein, it appears that: (1) Appellant filed a notice of appeal on February 7, 2003, but he did not serve the notice of appeal in accordance with HRAP Rule 3; (2) the agency appealed from served a copy of the notice of appeal on Appellees and Appellees do not challenge the validity of the appeal or the jurisdiction of the court; and (3) the record shows that Appellant served Appellees with a copy of the statement of jurisdiction. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss appeal is denied.

IT IS FURTHER ORDERED that Claimant-Appellee Dwight J. Vincente shall serve copies of all future documents filed in this appeal in accordance with HRAP Rule 25.

DATED: Honolulu, Hawai'i, May 19, 2003.

STEVEN H. LEVINSON  
Associate Justice

Sidney J.Y. Wong and  
Florencio C. Baguio, Jr.  
for employer/insurance  
adjuster-appellee on  
the motion