

NO. 25709

IN THE SUPREME COURT OF THE STATE OF HAWAII

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JOCELYN ROBELLO, Plaintiff-Appellant

vs.

RICHARD FORD, CERTIFIED CONSTRUCTION, INC.,  
Defendants-Appellees

and

KEVIN O'BRIEN, Defendant  
(CIV. NO. 98-2675)

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INDUSTRIAL INDEMNITY COMPANY, Plaintiff

vs.

RICHARD FORD, CERTIFIED CONSTRUCTION, INC., JOHN DOES 1-10,  
JANE ROES 1-10, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10,  
DOE GOVERNMENTAL ENTITIES 1-10, DOE NON-PROFIT ENTITIES 1-10,  
Defendants  
(CIV. NO. 97-3722)

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NOS. 98-2675 and 97-3722)

ORDER GRANTING PLAINTIFF-APPELLEE  
INDUSTRIAL INDEMNITY COMPANY'S MOTION TO DISMISS APPEAL  
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Appellee Industrial Indemnity Company's motion to dismiss the appeal of Appellant Jocelyn Robello, the papers in support, and the records and files herein, it appears that: (1) Appellant filed the notice of appeal on March 20, 2003; (2) the record was docketed on May 19, 2003, and Appellant was notified that the statement of jurisdiction was due on May 29, 2003 and the opening brief was due on June 29, 2003;

(3) Appellant did not file the statement of jurisdiction or the opening brief; (4) the clerk's office sent a letter to Appellant that the statement of jurisdiction and opening brief were in default; (5) the letter was returned as undeliverable; (6) there is no other address for Appellant in the record and further investigation to find her present address was unsuccessful; (7) no other documents were filed in this case after the notice of appeal; and (8) pursuant to HRAP Rule 30, failure to file the opening brief may result in dismissal of the appeal. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss is granted, and this appeal is dismissed. The parties shall bear their own costs.

DATED: Honolulu, Hawai'i, August 11, 2003.

Roy F. Epstein,  
for Plaintiff-Appellee  
Industrial Indemnity Company  
on the motion