

*** NOT FOR PUBLICATION ***

NO. 26643

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

McCANDLESS LAND AND CATTLE CO., Plaintiff-Appellee

vs.

BRAD PAI, KATHLEEN ALANI PAI, MARY KELI'IALANI, and LOUIS POLI
ALANI, SR., Defendants-Appellants

and

ALFRED NAPAHELUA SPINNEY, Appellant

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 04-1-012K)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that this court informed Appellants by letter dated October 15, 2004, that the time for filing the opening brief expired on October 4, 2004, and that, pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the attention of the court for such action as the court deemed proper including dismissal of the appeal. Appellants having failed to respond to said letter or to otherwise oppose dismissal,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, November 4, 2004.