

*** NOT FOR PUBLICATION ***

NO. 27753

IN THE SUPREME COURT OF THE STATE OF HAWAII

FIRST INSURANCE COMPANY OF HAWAII, LTD., Plaintiff-Appellee

vs.

SAFEWAY INC.; SOSEFO MAHONI; HBS LIMITED PARTNERSHIP; JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10; DOE PARTNERSHIPS 2-10; DOE NON-PROFIT ENTITIES 1-10; and DOE GOVERNMENTAL ENTITIES 1-10; Defendants-Appellees

and

JOHN CORYEA, Applicant for Intervention-Appellee

K. HAMAKAHO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 MAY 25 AM 11:11

FILED

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 04-1-0364)

ORDER DISMISSING APPEAL

(By: Nakayama, J., for the court¹)

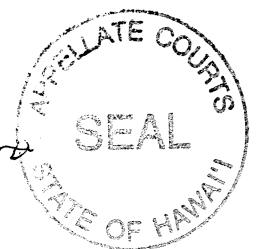
Upon review of the record, it appears that (1) the Supreme Court Clerk's Office informed Appellant, by letter dated April 13, 2006, that the record on appeal cannot be filed without payment of the filing fee pursuant to Rule 3(f) of the Hawai'i Rules of Appellate Procedure (HRAP) or an executed motion to proceed in forma pauperis pursuant to HRAP Rule 24 and that the matter would be called to the attention of the court for such action as the court deemed proper pursuant to HRAP Rule 11(a), including dismissal of the appeal, and (2) Appellant failed to pay the filing fee or submit a motion to proceed in forma pauperis. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, May 25, 2006.

FOR THE COURT:

Dunne A. Nakayama
Associate Justice



¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.