

NO. 23150

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

FRANK H. N. SCHENK, Plaintiff-Appellee

vs.

BONNIE LYNN SCHENK, Defendant-Appellant

APPEAL FROM THE THIRD CIRCUIT COURT
(FC-D NO. 96-291K)

ORDER OF DISMISSAL

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

Upon consideration of Plaintiff-Appellee Frank H. N. Schenk's motion to dismiss the appeal of Defendant-Appellant Bonnie Lynn Schenk due to Appellant's failure to file an opening brief, the papers in support, and the records and files herein, it appears that: (1) on August 4, 2000, the clerk's office informed Appellant that the opening brief was in default and that the matter would be brought to the attention of the court and the appeal may be dismissed; and (2) Appellant did not respond to the default letter or the motion to dismiss appeal and did not file an opening brief. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss is granted, and this appeal is dismissed.

DATED: Honolulu, Hawai'i, September 1, 2000.