

**Electronically Filed
Intermediate Court of Appeals
CAAP-11-0000015
13-JUL-2011
10:07 AM**

NO. CAAP-11-0000015

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

ANNE CAPRIO SHOVIC, Plaintiff-Appellee, v.
WAYNE ARTHUR WHISTLER, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-D NO. 07-1-0100)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30
(By: Nakamura, C.J., Foley and Reifurth, JJ.)

Upon review of the record, it appears that:

(1) Defendant-Appellant Wayne Arthur Whistler (Appellant) filed a notice of appeal on January 10, 2011; (2) the record on appeal was filed on March 3, 2011, and the appellate clerk filed a notice of entering case on calendar informing Appellant that the jurisdictional statement was due on March 14, 2011 and the opening brief was due on April 12, 2011; (3) Appellant did not thereafter file either document; (4) on June 14, 2011, the appellate clerk provided notice to Appellant that: (a) the time to file the jurisdictional statement and the opening brief expired; (b) the matter would be called to the attention of the court on June 21, 2011; and (c) the appeal may be dismissed pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30; and (5) Appellant did not thereafter file the jurisdictional statement or the opening brief, and did not seek relief from default. Therefore,

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS OR THE PACIFIC REPORTER

IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 30.

DATED: Honolulu, Hawai'i, July 13, 2011.

Craig H. Nakamura

Chief Judge

Chaniel R. Foley

Associate Judge

Lawrence M. Rippe

Associate Judge