

NO. CAAP-15-0000951

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

VONAH DITUS, FRED DITUS and STONE DITUS,
Petitioners-Appellees,
v.

ANGELA COURT and ROGER COURT,
Respondents-Appellants

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CASE NO. 3SS-15-1-0230)

ORDER DISMISSING THE APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Foley, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of records in CAAP-15-0000951, it appears that this court lacks appellate jurisdiction. Respondents-Appellants Roger Court and Angela Court, pro se (collectively Appellants) appeal from the August 10, 2015 Order Granting Mutual Injunction Against Harassment in District Court case no. 3SS-15-1-0230. A notice of appeal must be filed within 30 days after entry of an appealable judgment or order. HRAP Rule 4(a)(1). Appellants filed a Notice of Appeal on December 15, 2015. Therefore, the

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appeal is untimely. The failure to file a timely notice of appeal in a civil matter is a jurisdictional defect that the parties cannot waive and the appellate courts cannot disregard in the exercise of judicial discretion. Bacon v. Karlin, 68 Haw. 648, 650, 727 P.2d 1127, 1128 (1986). Accordingly, the court lacks appellate jurisdiction over the appeal.

IT IS HEREBY ORDERED that the appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, June 7, 2016.

Presiding Judge

Associate Judge

Associate Judge