

NO. 30401

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

EASTERN SAVINGS BANK, FSB a federal savings bank
organized and existing under the laws of the
United States of America, Plaintiff-Appellee,
v.

JOSEPH KAHEIKI OKALANI KALUA'U, GEORGETTE
KEIKILANI NAIHE KALUA'U, Defendants-Appellants,
and

HAWAII ISLAND COMMUNITY DEVELOPMENT
CORPORATION, A Hawaii nonprofit corporation,
COUNTY OF HAWAII, a municipal corporation, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 09-1-14K)

ORDER DENYING DEFENDANTS-APPELLANTS' MOTION FOR
RECONSIDERATION OF ORDER GRANTING PLAINTIFF-APPELLEE'S
MOTION TO DISMISS APPEAL FILED FEBRUARY 8, 2012¹
(By: Foley, Presiding J., Fujise and Ginoza, JJ.)

Upon consideration of Defendants-Appellants' Motion for
Reconsideration of February 8, 2012 Order Granting Plaintiff-
Appellee Eastern Savings Bank, FSB's Motion To Dismiss Appeal
filed February 21, 2012, the memorandum/papers in support of the
motion, and the records and files in this case, it appears that:

¹ Appellants correctly note that Plaintiff-Appellee's Motion to
Dismiss Appeal was filed January 30, 2012.

(1) Appellee Eastern Savings Bank, FSB's Motion to Dismiss Appeal (motion to dismiss) was filed on January 30, 2012 and, on that same date, Defendants-Appellants were served with the motion to dismiss by hand delivery.

(2) Any objection by Defendants-Appellants to the motion to dismiss was due on February 6, 2012. Hawai'i Rules of Appellate Procedure (HRAP), Rules 26 and 27.

(3) Defendants-Appellants did not file any timely objection to the motion to dismiss, nor did they seek an extension for responding to the motion as allowed under HRAP Rules 26 and 27.

(4) The order granting the motion to dismiss was filed on February 8, 2012, after any objection from Defendants-Appellants was due.

Therefore,

IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawaii, February 24, 2012.

On the motion:

Gary Victor Dubin
Frederick J. Arensmeyer
for Defendants-Appellants.

Presiding Judge

Associate Judge

Associate Judge