

NO. CAAP-12-0000866

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

FEDERAL LAND BANK ASSOCIATION OF HAWAII, FLCA,
Plaintiff-Appellee,

v.

MORTON E. BASSAN, JR., also known as Morton Bassan, Jr.
And as Morton Bassan, and KEIKO BASSAN,
Defendants-Appellants,

CITRUS MANAGEMENT SERVICES, INC., ORCHARD SERVICES, INC.,
BANK OF HAWAII, STATE OF HAWAII, acting by and
through its Department of Agriculture,
HAWAII ELECTRIC LIGHT COMPANY, INC.,
Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 05-1-0193)

ORDER DENYING VARIOUS MOTIONS FILED BY DEFENDANTS-APPELLANTS
(By: Nakamura, Chief Judge, and Fujise and Reifurth, JJ.)

On June 13, 2014, this Court filed a Summary Disposition Order (SDO) which dismissed the appeal of Defendants-Appellants Morton E. Bassan, Jr., and Keiko Bassan because we concluded that they lacked standing to pursue their appeal. On June 18, 2014, Defendants-Appellants filed a "Motion to Show Borrowers' Claims Are Both Exempt From Bankruptcy Estate or Abandoned by Bankruptcy Trustee to Oppose 'Summary Judgment Order' Filed[]June 13, 2014" (Motion for Reconsideration), which we construed as a motion for reconsideration of this Court's SDO.

On June 27, 2014, this Court entered an order extending the time to dispose of Defendants-Appellants' Motion for Reconsideration through July 14, 2014. On July 9, 2014, we issued our Order denying Defendants-Appellants' Motion for Reconsideration.

Since this Court entered its June 27, 2014, order extending the time to dispose of Defendants-Appellants' June 18, 2014, Motion for Reconsideration, Defendants-Appellants have filed the following additional motions: (1) "Supplement -- Motion to Show Borrowers' Claims are Both Exempt From Bankruptcy Estate or Abandoned By Bankruptcy Trustee to Oppose 'Summary Judgment Order' Filed[]June 13, 2014," which was filed on July 8, 2014 (First July 8, 2014, Motion); (2) "Supplement -- Motion to Show That This May Be a Time to Waive Rule to Allow Arguments and Other Matters Not Raised in Opening and Reply Briefs to Oppose 'Order' Filed[]June 13, 2014," which was filed on July 8, 2014 (Second July 8, 2014, Motion); (3) "Motion for Reconsideration of Dismissing This Case for Lack of Borrowers' Standing," which was filed on July 14, 2014 (July 14, 2014, Motion); (4) "Errata -- Motion for Reconsideration of Dismissing This Case for Lack of Borrowers' Standing," which was filed on July 24, 2014 (July 24, 2014 Motion); (5) "Question Presented Motion for Reconsideration of Dismissing this Case for Lack of Borrowers' Standing," which was filed on July 29, 2014 (July 29, 2014 Motion); and (6) "Motion for Reconsideration Per HRS 454M Plaintiff Lacks Standing & Foreclosure is Void; Motion for Reconsideration Per 12[]CFR[] 617.7010(a) Appellants Have Standing, Notice of Intent to Appeal," which was filed on August 11, 2014 (August 11, 2014, Motion).

Upon consideration of the various motions identified in (1) through (6) above that have been filed by Defendants-Appellants, we find and conclude that: (a) on June 13, 2014, this Court filed its SDO; (b) therefore, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 40 (2000), Defendants-Appellants had until June 23, 2014, to file a motion for reconsideration of the SDO; (c) on June 18, 2014, Defendants-Appellants filed a

motion, which we construed as a timely motion for reconsideration of the SDO; (d) on July 9, 2014, this Court denied Defendants-Appellants' June 18, 2014, Motion for Reconsideration; (e) this Court did not extend the period of time for Defendants-Appellants to file their motion for reconsideration, and we did not grant Defendants-Appellants leave to file supplements to their June 18, 2014, Motion for Reconsideration; and (f) HRAP Rule 40 does not authorize Defendants-Appellants to file supplements to a motion for reconsideration after the ten-day deadline for filing a motion for reconsideration; and (g) HRAP Rule 40 also does not authorize Defendants-Appellants to file additional motions for reconsideration or raise challenges to the SDO after this Court denied their original June 18, 2014, Motion for Reconsideration. Based on the foregoing, we conclude that Defendants-Appellants were not authorized to file the various motions identified in (1) through (6) above, which are all directed, in some fashion, at having this Court reconsider its SDO, and we deny all of these motions.

IT IS HEREBY ORDERED that Defendants-Appellants' (1) First July 8, 2014, Motion; (2) Second July 8, 2014, Motion; (3) July 14, 2014, Motion; (4) July 24, 2014, Motion; (5) July 29, 2014, Motion; and (6) August 11, 2014, Motion are denied.

DATED: Honolulu, Hawai'i, September 5, 2014.

On the motion:
Morton E. Bassan, Jr.
Keiko Bassan
Defendants-Appellants
Pro Se

Chief Judge

Associate Judge

Associate Judge