

NO. CAAP-14-0000755

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CIVIL NO. 12-1-421K

HAWAII COMMUNITY FEDERAL CREDIT UNION, a Federal Credit Union, Plaintiff-Appellee, v. TOM ERNEST SENA, Defendant/Counterclaimant/Appellant; MARIA ANTONIETA LARREA, Defendant-Appellee; BAC HOME LOANS SERVICING, LP, a Texas Limited Partnership, now known as BANK OF AMERICA, NATIONAL ASSOCIATION, a National Banking Association, Defendant/Counterclaim-Defendant/Appellee; JOHN DOES 1-50; JANE DOES 1-50; DOE PARTNERSHIPS 1-50; DOE CORPORATIONS 1-50; DOE ENTITIES 1-50; and DOE GOVERNMENTAL UNITS 1-50, Defendants

and

CIVIL NO. 13-1-007K

BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP formerly known as COUNTRYWIDE HOME LOANS SERVICING LP, Plaintiff-Appellee, v. TOM ERNEST SENA, Defendant/Appellant; MARIA ANTONIETA LARREA; HAWAII COMMUNITY FEDERAL CREDIT UNION; TOWNE KEAUHOU LLC, Defendants-Appellees; JOHN DOES 1-50, JANE DOES 1-50, DOE PARTNERSHIPS 10-5, DOE CORPORATIONS 1-50, DOE ENTITIES 1-50, and DOE GOVERNMENTAL UNITS 1-50, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 12-1-421K and 13-1-007K)

ORDER DISMISSING APPEAL AND ORDER TO SHOW CAUSE

(By: Fujise, Presiding Judge, Leonard and Reifurth, JJ.)

Upon review of the record, the papers in support, and the records and files herein, it appears that in Civil No. 12-1-

421K/CAAP-13-0005823, (1) the Circuit Court of the Third Circuit issued a judgment in favor of Hawaii Community Federal Credit Union (HCFCU) based on its order granting summary judgment, decree of foreclosure, and order of sale on November 25, 2013; (2) in CAAP-13-0005823, this court entered a judgment on appeal affirming the judgment in Civil No. 12-1-421K on April 29, 2015; and (3) no order staying the sale of the subject property appears in either the record for CAAP-13-0005823 or CAAP-14-0000755. It further appears from a perusal of the Hawai'i State Judiciary's Ho'ohiki website that, on December 18, 2014, a hearing on HCFCU's motion confirming the sale, for writ of ejectment, and for fees and costs was held and the motion was granted.

Based upon this review, an Order to Show Cause (OSC) was entered on November 17, 2015 directing the parties to show cause why this case should not be dismissed as moot. On that same date, the OSC was electronically served on (1) Charles R. Prather, Sofia Hirosane McGuire, and Steven Idemoto, attorneys for Plaintiff/Counterclaim-Defendant/Appellee Bank of America, N.A., Successor by Merger to Bac Home Loans Servicing, LP formerly known as Countrywide Home Loans Servicing LP and (2) Commissioner-Appellee, Michael J. Matsukawa (Matsukawa). The OSC was also mailed to Defendant/Counterclaimant/Appellant Tom Ernest Sena (Sena) on November 17, 2015. Pursuant to the OSC, responses were due on November 27, 2015. Matsukawa's response was filed on November 25, 2015. As of the date of this order, no other responses have been filed. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed as moot.

IT IS FURTHER ORDERED that within five (5) days from the date of this order, Charles R. Prather, Sofia Hirosane McGuire, and Steven Idemoto, attorneys for Plaintiff/Counterclaim-Defendant/Appellee Bank of America, N.A., Successor by Merger to Bac Home Loans Servicing, LP formerly known as Countrywide Home Loans Servicing LP shall show cause why they have failed to respond to our November 17, 2015 OSC. Failure to

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

respond to this order may result in sanctions and/or referral to the Office of Disciplinary Counsel.

DATED: Honolulu, Hawai'i, December 4, 2015.

Presiding Judge

Associate Judge

Associate Judge