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Intermediate Court of Appeals
CAAP-15-0000650
18-DEC-2015
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NO. CAAP-15-0000650

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

DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee
of the Residential Asset Securitization Trust 2006-A8,
Mortgage Pass-Through Certificates Series 2006-H Under the
Pooling and Servicing Agreement dated June 1, 2006,
Plaintiff/Counterclaim-Defendant/Appellee,

v.

MICHAEL C. GREENSPON,
Defendant/Counter-Claim Plaintiff/
Third-Party Plaintiff/Appellant,
and

DAVID B. ROSEN, The Law Office of David B. Rosen,
OCWEN LOAN SERVICING, LLC, Third-Party Defendants/Appellees,
and

DOES 1-10, inclusive, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 14-1-0395(2))

ORDER GRANTING IN PART THE DECEMBER 9, 2015
MOTION TO WITHDRAW APPEAL WITHOUT PREJUDICE
AND THE APPEAL IS DISMISSED

(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of the Motion to Withdraw Appeal Without Prejudice (Motion), filed December 9, 2015, by Defendant/Counterclaim Plaintiff/Third-Party Plaintiff/Appellant Michael C. Greenspon, pro se, the papers in support, and the record, it appears that (1) the appeal was docketed on November 2, 2015;

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

(2) Hawai'i Rules of Appellate Procedure Rule 42(b) authorizes the court to dismiss a docketed appeal upon a motion; and (3) Appellant seeks to dismiss the appeal without prejudice because it was "inadvertently" created by the September 2, 2015 order in his related appeal, Deutsche Bank National Trust Company v. Greenspon, No. CAAP-15-0000307, and he did not intend to create a new appeal.

Therefore, IT IS HEREBY ORDERED that the Motion is granted in part and the appeal is dismissed.

DATED: Honolulu, Hawai'i, December 18, 2015.



Chief Judge



Associate Judge



Associate Judge