

**Electronically Filed  
Intermediate Court of Appeals  
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NO. CAAP-14-0000438

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

THE BANK OF NEW YORK MELLON  
fka The Bank of New York as Trustee for the  
Certificate Holders of CWABS 2004-01, Plaintiff-Appellee,  
v.  
RALPH KEIJI SAITO, Defendant-Appellant,  
and  
FIRST HAWAIIAN BANK, Defendant-Appellee,  
and  
JOHN DOES 1-20, JANE DOES 1-20, DOE CORPORATIONS 1-20,  
DOE ENTITIES 1-20, and DOE GOVERNMENTAL UNITS 1-20, Defendants  
APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 12-1-0419-02)

ORDER GRANTING IN PART THE AUGUST 6, 2015 MOTION  
(By: Nakamura, C.J., Foley and Fujise, JJ.)

Upon consideration of the August 6, 2015 Joint Motion for Dismissal with Prejudice of Appeal (Motion) by Defendant-Appellant Ralph Keiji Saito (Saito) and Plaintiff-Appellee The Bank of New York Mellon (BNYM), the papers in support and in opposition, the related declarations, the records and files herein, and Hawaii Rules of Appellate Procedure Rule 42(b) related to dismissal of an appeal after docketing and Rule 39(a) related to fees and costs when a case is dismissed,

IT IS HEREBY ORDERED that the Motion is granted in part. The appeal is dismissed, and Saito and BNYM shall bear their own fees and costs.

DATED: Honolulu, Hawai'i, September 9, 2015.

  
Chief Judge

  
Associate Judge

  
Associate Judge