

NO. CAAP-12-0000354

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

DEUTSCHE BANK NATIONAL TRUST COMPANY, a National Banking
Association, as Trustee for GSAA Home Equity Trust 2006-8,
Plaintiff-Appellee,
v.
LORETO B. MENDOZA and SUSAN T. MENDOZA, Defendant-Appellants,
and
JOHN DOES 1-50 and JANE DOES 1-50, Defendants

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 11-1-3221)

ORDER

(1) DISMISSING THE APPEAL FOR FAILURE TO PROSECUTE

AND

(2) NO FURTHER ACTION ON THE
DECEMBER 1, 2015 ORDERS TO SHOW CAUSE

(By: Nakamura, C.J., Foley and Leonard, JJ.)

Upon consideration of the Declaration of Charles R. Prather in Response to the Order and Orders to Show Cause, filed December 11, 2015, by Charles R. Prather, counsel for Plaintiff-Appellee (Appellee) Deutsche Bank National Trust Company, and the Response to the Court's Order to Show Cause, filed December 11, 2015, by Robin R. Horner, counsel for Defendants-Appellants Loreto B. Mendoza and Susan T. Mendoza (Appellants), which the

court construes as responses to the December 1, 2015 Order and Orders to Show Cause, the Declaration of Charles R. Prather in Response to the December 29, 2015 Order, the papers in support, and the record, it appears that:

(1) On May 11, 2012, Appellants filed a Notice of Filing of Bankruptcy, indicating Appellants filed a bankruptcy case in the United States Bankruptcy Court for the District of Hawaii, case number 12-00757, on April 5, 2012;

(2) Appellants' bankruptcy case stayed this appeal, pursuant to 11 U.S.C. § 362(a)(1) and (3) (2010), and Hawai'i Rules of Appellate Procedure Rule 54(c);

(3) On June 6, 2012, the bankruptcy court filed an order granting Appellee's motion for relief from automatic stay in Appellants' bankruptcy case;

(4) On July 23, 2012, the bankruptcy court entered a final decree terminating Appellants' bankruptcy case;

(5) However, until December 11, 2015, neither party filed notice with this court of the lifting or termination of the automatic stay;

(6) On December 1, 2015, the court ordered the parties to, among other things, show cause why the appeal should not be dismissed for failure to prosecute;

(7) Appellants responded that they do not wish to proceed with this appeal, and request the court to dismiss the appeal. Appellee does not object to the appeal being dismissed for failure to prosecute; and

(8) There does not appear to be any reason for this appeal to continue.

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

IT IS FURTHER ORDERED that the court will take no further action on the December 1, 2015 orders to show cause.

DATED: Honolulu, Hawai'i, January 19, 2016.

Chief Judge

Associate Judge

Associate Judge