

**Electronically Filed  
Intermediate Court of Appeals  
CAAP-16-0000209  
28-OCT-2016  
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NOS. CAAP-16-0000209 AND CAAP-16-0000384

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

**CAAP-16-0000209**

JASON SAMUEL KING,  
Plaintiff-Appellee,

v.

AVRAHAM ELKAYAM and DAFNA ELKAYAM, Defendants-Appellants,  
and

THE BANK OF NEW YORK MELLON, a New York corporation,  
as Trustee for the Benefit of CWMBS, Inc. and CHL Mortgage  
Pass-Through Trust 2007-12 Mortgage Pass Through Certificates,  
Series 2007-12; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,  
solely as nominee for First Magnus Financial Corporation; BANK OF  
AMERICA CORPORATION, a Delaware corporation; STATE OF HAWAII,  
DEPARTMENT OF TAXATION, Defendants-Appellees,  
and

JOHN DOES 1-50, et al., Defendants

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(CIVIL NO. 10-1-0589(2))

AND

**CAAP-16-0000384**

JASON SAMUEL KING, Plaintiff-Appellee,

v.

AVRAHAM ELKAYAM and DAFNA ELKAYAM, Defendants-Appellants,  
and

THE BANK OF NEW YORK MELLON, a New York corporation,  
as Trustee for the Benefit of CWMBS, Inc. and CHL Mortgage  
Pass-Through Trust 2007-12 Mortgage Pass Through Certificates,  
Series 2007-12; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,  
solely as nominee for First Magnus Financial Corporation; BANK OF  
AMERICA CORPORATION, a Delaware corporation; STATE OF HAWAII,  
DEPARTMENT OF TAXATION, Defendants-Appellees,  
and

JOHN DOES 1-50, et al., Defendants

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(CIVIL NO. 10-1-0589(2))

ORDER GRANTING THE OCTOBER 17, 2016  
MOTION TO DISMISS CONSOLIDATED APPEALS

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

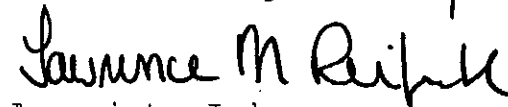
Upon consideration of Plaintiff-Appellee Jason Samuel King's [(Appellee's)] Motion to Dismiss Consolidated Appeals," filed on October 17, 2016, and the record, it appears that (1) the opening brief was due on an extension granted by the appellate clerk by July 29, 2016, (2) Defendants-Appellants Avraham Elkayam and Dafna Elkayam (collectively, **Appellants**), through attorneys Gary Victor Dubin and Frederick J. Arensmeyer, failed to file an opening brief by the deadline; (3) on September 28, 2016, this court issued an order consolidating this appeal with Case No. CAAP-16-0000384, ordering Appellants to file a single opening brief in Case No. CAAP-16-0000209, extending the opening brief deadline to October 13, 2016, and warning Appellants that a failure to comply with the order may result in sanctions, including dismissal of the appeal; (4) Appellants have not filed an opening brief or extension request; and (5) Appellants have not opposed the motion to dismiss.

Therefore, IT IS HEREBY ORDERED that the motion to dismiss is granted and the appeal is dismissed.

DATED: Honolulu, Hawai'i, October 28, 2016.

  
Chief Judge

  
Associate Judge

  
Associate Judge