

NOS. CAAP-18-0000099 AND CAAP-18-0000712

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

CAAP-18-0000099

WILMINGTON SAVINGS FUND SOCIETY, FSB, DOING BUSINESS AS  
CHRISTINA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY  
AS TRUSTEE FOR BCAT 2015-14BTT, Plaintiff-Appellee,

v.

ISABELO PACPACO DOMINGO; MICHELE ELANOR DOMINGO,  
Defendants-Appellants,

and

BANK OF AMERICA, N.A.; HALEWILI PLACE COMMUNITY ASSOCIATION,  
Defendants-Appellees,

and

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

CAAP-18-0000712

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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. 13-1-202K)

ORDER GRANTING IN PART AND  
DENYING IN PART MOTION FOR RECONSIDERATION  
(By: Ginoza, Chief Judge, Leonard and Nakasone, JJ.)

Upon consideration of Defendants-Appellants Isabelo Pacpaco Domingo and Michele Elanor Domingo's (**Domingos**) "Motion for Reconsideration of the Court's July 14, 2022 Summary Disposition Order" (**Motion for Reconsideration**) filed on July 25, 2022, the papers in support, and the record, the court determines that reconsideration is warranted in part regarding section II.B. of the Summary Disposition Order and thus an Amended Summary Disposition Order will be filed. However, reconsideration is otherwise denied as unwarranted under Rule 40(b) of the Hawai'i Rules of Appellate Procedure, and because the Motion for Reconsideration asserts arguments and presents evidence that could have but were not presented in opposition to the Motion to Dismiss Appeal filed on April 1, 2022. See *Sousaris v. Miller*, 92 Hawai'i 505, 513, 993 P.2d 539, 547 (2000) ("Reconsideration is not a device to . . . raise arguments or evidence that could and should have been brought during the earlier proceeding.").

Therefore, IT IS HEREBY ORDERED that the Motion for Reconsideration is granted in part and denied in part.

DATED: Honolulu, Hawai'i, August 26, 2022.

/s/ Lisa M. Ginoza  
Chief Judge

/s/ Katherine G. Leonard  
Associate Judge

/s/ Karen T. Nakasone  
Associate Judge