

NO. CAAP-23-0000067

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR
J.P. MORGAN MORTGAGE ACQUISITION TRUST 2006-WMC2,
ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-WMC2,
Plaintiff/Counterclaim Defendant-Appellee, v.
DONNA MAE AMINA, AKA DONNA M. AMINA;
MELVIN KEAKAKU AMINA, AKA MELVIN K. AMINA,
Defendants/Counterclaimants/Third-Party Plaintiffs-Appellants,
and ASSOCIATION OF APARTMENT OWNERS OF 2304 METCALF STREET,
Defendants-Appellees, and NATIONWIDE TITLE CLEARING, INC.;
ALDRIDGE PITE, LLP, Third-Party Defendants-Appellees, and
DOES 1 through 20, inclusive, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CC181000540)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Wadsworth, Presiding Judge, Nakasone and Chan, JJ.)

Upon review of the record, it appears that self-represented Defendants/Third-Party Plaintiffs/Counterclaimants-Appellants Melvin Keakaku Amina, AKA Melvin K. Amina, and Donna Mae Amina, AKA Donna M. Amina (**Amina Parties**) appeal from the Circuit Court of the First Circuit's May 20, 2022 "Order Denying [Amina Parties']: (1) Second Motion for More Time to Respond to Aldridge Pite's Motion for Summary Judgment, Filed April 22, 2022, and (2) Motion to Continue Hearing on Aldridge Pite's Motion for Summary Judgment" (**5/20/22 Order**), its July 11, 2022 "Amended Final Judgment Regarding Order Granting: (1) Third-Party Defendant Aldridge Pite, LLP's Motion for Summary Judgment on [Amina Parties'] Third-Party Complaint Filed May 21, 2019, Filed Herein on January 25, 2022 ('AP's MSJ'); and (2) Third-Party

Defendant Nationwide Title Clearing, LLC, F/K/A Nationwide Title Clearing, Inc.'s Substantive Joinder to AP's MSJ, Filed February 17, 2022" (**7/11/22 Amended Judgment**), and its purported "oral [o]rder dated December 13, 2022, to appear by Zoom at the summary judgment hearing at 8:30 a.m. on Wednesday" (**Purported Oral Order**).

Assuming, *arguendo*, that an appeal from the 7/11/22 Amended Judgment would bring up for review the 5/20/22 Order, the Amina Parties nonetheless failed to file the December 9, 2022 Notice of Appeal within thirty days after entry of the 7/11/22 Amended Judgment, as required by Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1). See HRAP Rule 26(e) ("The reviewing court for good cause shown may relieve a party from a default occasioned by any failure to comply with these rules, except the failure to give timely notice of appeal."); Narmore v. Kawafuchi, 112 Hawai'i 69, 81, 143 P.3d 1271, 1283 (2006) ("The requirement that a party timely file a notice of appeal has been held to be jurisdictional by this court.").

The Purported Oral Order referenced in the Amina Parties' December 13, 2022 Notice of Appeal does not appear in the underlying record. In any event, "a minute order is not an appealable order." Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 321 n.3, 966 P.2d 631, 633 n.3 (1998).

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, February 23, 2023.

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge