

NO. CAAP-23-0000084

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

US BANK NATIONAL ASSOCIATION AS TRUSTEE, SUCCESSOR IN INTEREST TO
BANK OF AMERICA NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY
MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR
RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED
PASS-THROUGH CERTIFICATES, SERIES 2007-SP1,
Plaintiff/Counterclaim Defendant-Appellee, v.
BILLY JOE ST. CLAIR, Defendant/Crossclaim Defendant-Appellee,
and LAUNANI VALLEY COMMUNITY ASSOCIATION;
ASSOCIATION OF APARTMENT OWNERS OF THE RIDGE AT LAUNANI VALLEY,
Defendants-Appellees, and
LAUNANI ASSETS, LLC, a Hawaii limited liability company,
Defendant/Counterclaim Crossclaim Plaintiff-Appellant, and
JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;
DOE CORPORATIONS 1-10; DOE ENTITIES 1-10; and
DOE GOVERNMENTAL UNITS 1-10, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CC161000911)

ORDER DISMISSING APPEAL

(By: Ginoza, Chief Judge, Wadsworth and Guidry, JJ.)

Upon review of the record, it appears that:

(1) The statement of jurisdiction and opening brief
were due on or before March 13, 2023, and April 12, 2023,
respectively;

(2) Defendant/Counterclaim and Crossclaim Plaintiff-
Appellant Launani Assets, LLC (Launani Assets) did not file
either document or request an extension of time;

(3) On April 13, 2023, the appellate clerk notified
Launani Assets that the time for filing the statement of
jurisdiction and opening brief had expired, the matter would be

called to the court's attention on April 24, 2023, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure (HRAP) Rules 12.1(e) and 30, and Launani Assets could request relief from default by motion;¹

(4) On May 16, 2023, twenty-two days after the April 24, 2023 deadline set forth in the default notice, Launani Assets filed a Stipulation for Dismissal of Appeal² signed by counsel for Launani Assets and counsel for Plaintiff/Counterclaim Defendant-Appellee U.S. Bank National Association only, stating that they agree to dismiss the appeal with prejudice, and each party shall bear its own attorneys' fees and costs associated with the appeal; and

(5) Launani Assets fails to demonstrate that it served the stipulation on all parties, and it is not apparent whether the parties who did not sign the stipulation are nominal appellees. Nonetheless, dismissal of the appeal is authorized by HRAP Rules 12.1(e) and 30.

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

IT IS FURTHER ORDERED that the Stipulation for Dismissal of Appeal is dismissed.

DATED: Honolulu, Hawai'i, June 19, 2023.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge

¹ Launani Assets has not requested such relief from default.

² Counsel for Launani Assets is cautioned that the flyleaf of each separately filed document shall include a three-inch top margin, or a three-inch-by-three-inch space in the top right corner of the flyleaf. HRAP Rule 32(a).