

NO. CAAP-17-0000621

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

THE BANK OF NEW YORK MELLON, AS INDENTURE TRUSTEE FOR
CERTIFICATE-HOLDERS CWABS ASSET-BACKED NOTES TRUST
2006-SD4, Plaintiff-Appellee,

v.

JOVEN D. BAUTISTA, COLLEEN BAUTISTA,
Defendants-Appellants,

and

JOHN DOES 1-20, JANE DOES 1-20, DOE CORPORATIONS 1-20,
DOE ENTITIES 1-20 AND DOE GOVERNMENTAL UNITS 1-20,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 15-1-0110)

ORDER GRANTING MOTION FOR PARTIAL RECONSIDERATION

(By: Wadsworth, Presiding Judge, Nakasone and McCullen, JJ.)

Upon consideration of Defendants-Appellants' Joven D. Bautista and Colleen Bautista's (collectively, the **Bautistas**) "Motion for Partial Reconsideration of the Memorandum Opinion Entered on March 28, 2023" (**Motion for Partial Reconsideration**)¹

¹ The Bautistas specifically requested reconsideration of the following:

. . . Part III.A of the Memorandum Opinion, wherein the Court ruled that "[t]he Circuit Court did not err in concluding that [Appellee The Bank of New York Mellon ("**BONYM**") had standing when it filed the complaint" because "**BONYM** established that there were no genuine issues of material fact that it was the holder of the original Note at the time the complaint was filed[.]" Memorandum Opinion at 10, 13.

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

filed on April 10, 2023, the papers in support, the opposition,² and the record, this court determines that partial reconsideration under Rule 40(b) of the Hawai'i Rules of Appellate Procedure is warranted regarding section III.A. of the Memorandum Opinion, and thus, an Amended Memorandum Opinion will be filed.

Therefore, IT IS HEREBY ORDERED that the Motion for Partial Reconsideration is granted.

DATED: Honolulu, Hawai'i, July 14, 2023.

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge

² An April 27, 2023 opposition was filed pursuant to this court's April 17, 2023 order requiring a response.