

NO. CAAP-18-0000063

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

WELLS FARGO BANK, N.A., Plaintiff-Appellee, v.
BLAKE TEK YOON, Defendant-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

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 09-1-2012-08)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On June 22, 2023, the court ordered the parties to notify the court about the status of Defendant-Appellant Blake Tek Yoon's (Yoon) February 23, 2018 bankruptcy petition. If the bankruptcy court had lifted or terminated the automatic stay of this appeal, 11 U.S.C. § 362(a) (2010), Hawai'i Rules of Appellate Procedure (HRAP) Rule 54(c), then the parties were to file certified copies of relevant bankruptcy court documents, consistent with HRAP Rule 54(c). The court further ordered the parties to show cause why the appeal should not be dismissed for failure to prosecute;

(2) On June 29, 2023, Plaintiff-Appellee Wells Fargo Bank's (Wells Fargo) counsel responded that the bankruptcy court entered a final decree, which terminated Yoon's bankruptcy case, on February 21, 2023, and the circuit court in the underlying case, Civil No. 09-1-2012-08, entered an order dismissing without prejudice Wells Fargo's complaint on October 24, 2019, because

the subject property was sold to a third party in the bankruptcy case. Counsel states the appeal should be dismissed as moot or for Yoon's failure to prosecute. Counsel attached a certified copy of the bankruptcy court's final decree;

(3) Yoon's counsel and Wells Fargo's appellate co-counsel filed separate responses agreeing with Wells Fargo's counsel's suggestion to dismiss the appeal; and

(4) HRAP Rule 54(b) states in part, "On termination of, or other grant of relief by the federal district or bankruptcy court from a stay of proceedings pending in the Hawai'i appellate courts, each party with such knowledge shall file a notification thereof with the appellate court within 7 days." The parties appearing in this appeal did not fully comply with HRAP Rule 54(b) and timely notify the court about the status of Yoon's bankruptcy petition.¹ Nonetheless, it appears the appeal is moot.

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

IT IS FURTHER ORDERED that the court will take no further action on the June 22, 2023 order to show cause.

DATED: Honolulu, Hawai'i, July 10, 2023.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge

¹ Counsel, Steven T. Iwamura, Gregory A. Ferren, and Edmund K. Saffery, are cautioned that any future failure to fully comply with HRAP Rule 54(b) may result in sanctions.