

NO. CAAP-23-0000381

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

MARK MALAGODI and JANET JOHNSON,
Plaintiffs/Counterclaim Defendants-Appellees, v.
CAMERON E. NICE and MARTHA J. JACOBSEN,
aka MARTHA J. JACOBSEN-NICE,
Defendants/Counterclaimants-Appellants, and
AMERICAN SAVINGS BANK, F.S.B.,
a Federal Savings Bank, Defendant-Appellee, and
JOHN DOES 1-20; JANE DOES 1-20; DOE PARTNERSHIPS 1-20;
DOE CORPORATIONS 1-20; and DOE ENTITIES 1-20, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 5CCV-22-0000027)

ORDER DENYING MOTION FOR RECONSIDERATION
(By: Ginoza, Chief Judge, Wadsworth and Guidry, JJ.)

Upon review of self-represented Defendants/
Counterclaimants-Appellants Cameron E. Nice and Martha J.
Jacobsen, aka Martha J. Jacobsen-Nice's (**Nice Parties**) June 29,
2023 motion, the papers in support, and the record, it appears
that the Nice Parties request that this court reconsider its
June 26, 2023 Order Dismissing Appeal for Lack of Appellate
Jurisdiction and reinstate this appeal. The Nice Parties fail to
demonstrate that the court overlooked or misapprehended any point
of law or fact in dismissing this appeal. Hawai'i Rules of
Appellate Procedure Rule 40(b). The Hawai'i Supreme Court has

recognized that "[w]hen we perceive a jurisdictional defect in an appeal, we must, *sua sponte*, dismiss that appeal." Bacon v. Karlin, 68 Haw. 648, 650, 727 P.2d 1127, 1129 (1986).

Therefore, IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, July 21, 2023.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge