

NO. CAAP-23-0000378

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

U.S. 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/Third-Party Plaintiffs/Counterclaimants-Appellants,
and ASSOCIATION OF APARTMENT OWNERS OF 2304 METCALF STREET,
Defendant-Appellee, and
NATIONWIDE TITLE CLEARING, INC. and ALDRIDGE PITE, LLP,
Third-Party Defendants-Appellees, and
DOES 1-20, inclusive, Defendants-Appellees

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

ORDER DISMISSING APPEAL

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

Upon review of the record in case numbers CAAP-23-0000044 and CAAP-23-0000378, it appears that:

(1) On January 14, 2023, 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**) created CAAP-23-0000044 by filing a notice of appeal in 1CC181000540, appealing from, *inter alia*, the Circuit Court of the First Circuit's (**Circuit Court**):

(a) December 14, 2022 minute order granting Plaintiff/Counterclaim Defendant-Appellee U.S. Bank National Association, as Trustee for J.P. Morgan Acquisition Trust 2006-WMC2, Asset Backed Pass-Through Certificates, Series 2006-WMC2's

(**US Bank**) Motion for Summary Judgment and for Interlocutory Decree of Foreclosure, Filed September 23, 2022 (**MSJ**); and

(b) several other, interlocutory minute orders related to the foreclosure;

(2) On February 2, 2023, the Circuit Court entered Findings of Fact, Conclusions of Law and Order Granting [the MSJ] (**Foreclosure Decree**) and a corresponding Judgment in favor of US Bank and against Amina Parties (**Judgment**) pursuant to Hawai'i Rules of Civil Procedure (**HRCP**) Rule 54(b);

(3) On February 23, 2023, Amina Parties filed a notice of appeal from the Judgment and "all adverse decisions made by the [Circuit] Court in" 1CC181000540, creating CAAP-23-0000378;

(4) On June 2, 2023, Amina Parties filed an amended notice of appeal in CAAP-23-0000044 appealing from, *inter alia*, the Judgment;

(5) The Judgment is a final, appealable judgment under HRCP Rules 54(b) and 58. Though the notice of appeal in CAAP-23-000044 is premature as to the Judgment, it is deemed timely by operation of Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(2);

(6) The notice of appeal in CAAP-23-000378 was timely filed within 30 days after entry of the Judgment. HRAP Rule 4(a)(1);

(7) As the appeals in CAAP-23-0000044 and CAAP-23-0000378 both timely appeal from the Judgment, they both bring up for review the Foreclosure Decree and any other interlocutory order that was issued prior to the Foreclosure Decree and concerned issues involving the foreclosure. Bank of New York Mellon as Tr. for Certificateholders of CWABS Inc., Asset-Backed Certificates, Series 2007-11 v. Colton, 146 Hawai'i 577, 581, 463 P.3d 1234, 1238 (App. 2020); Ueoka v. Szymanski, 107 Hawai'i 386, 396, 114 P.3d 892, 902 (2005); and

(8) Thus, the appeal in case number CAAP-23-0000378 is duplicative of CAAP-23-0000044. Cates v. State, No. CAAP-22-0000393, 2022 WL 16733710 (App. Nov. 7, 2022) (Order); Ogeone v. Au, No. CAAP-18-0000190, 2019 WL 972542 (App. Feb. 27, 2019) (Order).

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

Therefore, IT IS HEREBY ORDERED that CAAP-23-0000378 is dismissed, and all pending motions in CAAP-23-0000378 are dismissed as moot.

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

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge