

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-23-0000673

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

US BANK TRUST NA, AS TRUSTEE FOR LSF8 MASTER PARTICIPATION TRUST,
Plaintiff-Appellant, v.
BRANDON MILES SENTARO DANIEL; DESIREE D. BAJO-DANIEL;
NOHEA MARIA DANIEL; TITLE GUARANTY ESCROW SERVICES, INC.;
CATHY FELKINS; ALL PROFESSIONAL HAWAI'I REALTY, INC.,
Defendants-Appellees, and
JOHN and MARY DOES 1-20; DOE PARTNERSHIPS, CORPORATIONS or
OTHER ENTITIES 1-20, Defendants

BRANDON MILES SENTARO DANIEL; DESIREE D. BAJO-DANIEL; and
NOHEA MARIA DANIEL, Counterclaimants-Appellees, v.
US BANK TRUST NA, AS TRUSTEE FOR LSF8 MASTER PARTICIPATION TRUST,
Counterclaim Defendant-Appellant

TITLE GUARANTY ESCROW SERVICES, INC.,
Crossclaimant-Appellee, v.
BRANDON MILES SENTARO DANIEL; DESIREE D. BAJO-DANIEL;
NOHEA MARIA DANIEL; CATHY FELKINS;
ALL PROFESSIONAL HAWAI'I REALTY, INC.,
Crossclaim Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CASE NO. 2CC171000406)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Leonard, Acting Chief Judge, Nakasone and McCullen, JJ.)

Upon consideration of the Notice of Stipulation for Dismissal of Appeal, filed February 15, 2024, by Plaintiff/Counterclaim Defendant-Appellant U.S. Bank Trust (U.S. Bank), the papers in support, and the record, it appears that (1) the appeal has been docketed; (2) U.S. Bank and Defendant/Crossclaimant-Appellee Title Guaranty Escrow Services, Inc. (Title Guaranty) stipulate to dismiss U.S. Bank's appeal, under Hawai'i Rules of

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Appellate Procedure (HRAP) Rule 42(b), and each party shall bear their own attorneys' fees and costs on appeal; (3) the stipulation is dated and signed by counsel U.S. Bank and Title Guaranty, but not any other parties to the appeal; (4) no party filed a response to the stipulation; (5) the stipulation fails to demonstrate the parties that did not sign the stipulation are nominal appellees who need not sign the stipulation;¹ and (6) nonetheless, the court will construe the stipulation as U.S. Bank's motion to dismiss the appeal, under HRAP Rule 42(b), and grant the requested relief.

Therefore, IT IS HEREBY ORDERED that the Notice of Stipulation for Dismissal of Appeal, construed as a motion to dismiss the appeal, is granted and the appeal is dismissed. The parties shall bear their own attorneys' fees and costs on appeal.

DATED: Honolulu, Hawai'i, February 27, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge

¹ For instance, U.S. Bank's civil appeal docketing statement identifies at least two issues on appeal to include the circuit court's failure to (1) dismiss Defendant/Cross-Claim Defendant-Appellee All Professional Hawaii Realty Inc. and self-represented Defendant/Cross-Claim Defendant-Appellee Cathy Felkins (Felkins), and (2) compel the testimony of Felkins, among others.