

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-23-0000381

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

MARK MALAGODI and JANET JOHNSTON,
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: Leonard, Acting Chief Judge, Hiraoka and Guidry, JJ.)

Upon consideration of the Motion for Reconsideration and Motion for immediate Relief from Judgements [sic], filed April 29, 2024, by self-represented Defendants/Counterclaimants-Appellants Cameron E. Nice and Martha J. Jacobsen aka Martha J. Jacobsen-Nice (together, Nice Parties), the papers in support, and the record, it appears that:

(1) The Nice Parties seek reconsideration of the April 26, 2024 order dismissing the motions they filed on March 25, 2024. The Nice Parties also seek "immediate relief from judgments" and to dismiss with prejudice the complaint filed in the underlying case, 5CCV-22-0000027; and

(2) The Nice Parties fail to demonstrate the court overlooked or misapprehended any point of law or fact in the

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April 26, 2024 order. Hawai'i Rules of Appellate Procedure Rule 40(b). In addition, because the court dismissed this appeal for lack of jurisdiction on June 26, 2023, it will dismiss the Nice Parties claims for relief in the Motion for immediate Relief from Judgements [sic].

Therefore, IT IS HEREBY ORDERED that the Motion for Reconsideration is denied and the Motion for immediate Relief from Judgements [sic] is dismissed.

DATED: Honolulu, Hawai'i, May 3, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge