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Intermediate Court of Appeals  
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NO. CAAP-24-0000795

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

DEUTSCHE BANK NATIONAL TRUST COMPANY, A NATIONAL BANKING  
ASSOCIATION, AS TRUSTEE ON BEHALF OF THE HIS ASSET  
SECURITIZATION CORPORATION TRUST 2007-NC1, Plaintiff-Appellee,  
v.

JOHN LYON DUDOIT, JR.; DEBORAH ANN DUDOIT,  
Defendants-Appellees,  
and

SOLARCITY CORPORATION; PALEHUA COMMUNITY ASSOCIATION,  
Defendants-Appellees,  
and

JOHN DOES 1-50; JANE DOES 1-50; DOE PARTNERSHIPS 1-50; DOE  
CORPORATIONS 1-50; DOE ENTITIES; 1-50; AND DOE GOVERNMENTAL UNITS  
1-50, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CASE NO. 1CC141002171)

ORDER

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

Upon consideration of Plaintiff-Appellee Deutsche Bank National Trust Company, a National Banking Association, as Trustee on Behalf of the HIS Asset Securitization Corporation Trust 2007-NC1's (**Deutsche Bank**) Motion to Dismiss Appeal, filed December 26, 2024, the papers in support, and the record, it appears that Deutsche Bank seeks dismissal of the appeal filed by self-represented Defendants-Appellants John Lyon Dudoit Jr. and Deborah Ann Dudoit (**Dudoits**) from the Circuit Court of the First

Circuit's minute order entered November 13, 2024 (**Minute Order**), and its "decision, if any, adopting" Deutsche Bank's proposed "Order Granting Plaintiff's Motion for Confirmation of Sale, Distribution of Proceeds, and for Writ of Ejectment Filed December 1, 2023" (**Confirmation Order**) for lack of jurisdiction.

Deutsche Bank's motion has merit. The Minute Order is not appealable, nor will it be a final, appealable order or judgment after it is reduced to a formal, written order. Hawai'i Revised Statutes § 641-1(a) (2016); Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994); Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 321, 966 P.2d 631, 633 (1998). The Confirmation Order and its corresponding Hawai'i Rules of Civil Procedure Rule 54(b) Judgment were entered on May 9, 2024. Though the May 9, 2024 Judgment is appealable, the Dudoits filed the November 20, 2024 Notice of Appeal more than thirty days after its entry, which is outside of the deadline set forth in Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1). The record does not indicate that the Dudoits received an extension of time to appeal under HRAP Rule 4(a)(4), or that the deadline was otherwise tolled by a timely-filed post-judgment motion under HRAP Rule 4(a)(3). Compliance with the requirement of timely filing a notice of appeal is jurisdictional. Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995).

Therefore, IT IS HEREBY ORDERED that the motion is granted, and the appeal is dismissed for lack of jurisdiction.

IT IS FURTHER ORDERED that all other pending motions are dismissed.

DATED: Honolulu, Hawai'i, January 9, 2025.

/s/ Karen T. Nakasone  
Presiding Judge

/s/ Sonja M.P. McCullen  
Associate Judge

/s/ Kimberly T. Guidry  
Associate Judge