

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-25-0000135

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CHRISTINA M. GROSS, Plaintiff-Appellant, and
JEFFREY GROSS, Plaintiff-Appellee, v.
US BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR CSMC, Defendant-Appellee, and
JANE DOES 1-10; JOHN DOES 1-10, Defendants

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH KONA DIVISION
(CASE NO. 3DRC-24-0000089)

ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION

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

Upon review of the record in CAAP-25-0000135 and
3DRC-24-0000089,¹ it appears that:

(1) Self-represented Plaintiff-Appellant Christina Gross (**Gross**) filed the March 7, 2025 Notice of Appeal, which appeals the September 6, 2024 "Findings of Fact, Conclusions of Law, and Order Granting Defendant US Bank National Association as Trustee for CSMC Mortgaged-Back Pass-Through Certificate, Series 2006-2's Motion for Summary Judgment, Filed May 14, 2024 (Dkt. 28)" (**September 6, 2024 Order**), and the September 6, 2024 Judgment entered by the District Court of the Third Circuit.

(2) Hawaii Revised Statutes § 641-1(a) (2016) permits appeals in civil matters only from "final judgments, orders, or

¹ The court takes judicial notice of the record in 3DRC-24-0000089. Hawaii Rules of Evidence Rule 201.

decrees of circuit and district courts" Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1) states "[w]hen a civil appeal is permitted by law, the notice of appeal shall be filed within 30 days after entry of the judgment or appealable order."

(3) The March 7, 2025 Notice of Appeal is untimely under HRAP Rule 4(a)(1) because it was filed more than thirty days after the entry of the September 6, 2024 Order and September 6, 2024 Judgment, which were appealable final orders. The record indicates the thirty-day deadline was not tolled by a post-judgment motion under HRAP Rule 4(a)(3), or extended by the district court under HRAP Rule 4(a)(4).

(4) Gross filed in this court a March 24, 2025 Motion for an Extension of Time, which appears to seek relief from the untimely March 7, 2025 Notice of Appeal. HRAP Rule 26(b) provides that "no court or judge or justice is authorized to change the jurisdictional requirements contained in Rule 4 of these rules," and HRAP Rule 26(b)(e) states the court "may relieve a party from a default occasioned by any failure to comply with these rules, except the failure to give timely notice of appeal."

(5) "As a general rule, compliance with the requirement of the timely filing of a notice of appeal is jurisdictional, and we must dismiss an appeal on our motion if we lack jurisdiction." Ditto v. McCurdy, 103 Hawai'i 153, 157, 80 P.3d 974, 978 (2003) (quotation marks and citation omitted).

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

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, April 22, 2025.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge