

**Electronically Filed  
Intermediate Court of Appeals  
CAAP-25-0000381  
23-JUL-2025  
08:46 AM  
Dkt. 19 ODS**

NO. CAAP-25-0000381

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

U.S. NATIONAL ASSOCIATION AS TRUSTEE UNDER  
POOLING AND SERVICING AGREEMENT DATED AS OF  
DECEMBER 1, 2006 MASTR ASSET BACK SECURITIES  
TRUST 2006-HE5 MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2006-HE5, Plaintiff-Appellee, v.  
BENJAMIN JAMES AU, Defendant-Appellant,

AND

KEVIN MILLARD AU; WELLS FARGO, BANK N.A.;  
DISCOVER BANK; CHILD SUPPORT ENFORCEMENT AGENCY,  
STATE OF HAWAII; BENJAMIN JAMES AU, THE TRUSTEE  
OF THE KANEAKUA TRUST DATED JANUARY 9TH, 2014, AN  
IRREVOCABLE TRUST REGISTERED IN THE FIRST ESTATE  
OF KAMEHAMEHA EKAHI, RECORDED AS CERTIFICATE OF  
TRUST DOCUMENT NO. A-50721086 IN THE BUREAU OF  
CONVEYANCES, CARE OF: TRUSTEE(S) OF THE KANEAKUA TRUST,  
BENJAMIN JAMES AU; FIA CARD SERVICES, N.A.;  
INTERNATIONAL MONETARY FUND, Defendants-Appellees,

AND

DOE DEFENDANTS 1-50, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 1CC151002108)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) The statement of jurisdiction and opening brief  
were due on or before May 27, 2025, and June 23, 2025,  
respectively;

(2) Self-represented Defendant-Appellant Benjamin James  
Au (Au) failed to file either document, or request an extension  
of time;

(3) On June 26, 2025, the appellate clerk entered a default notice informing Au that the time for filing the statement of jurisdiction and opening brief had expired, the matter would be called to the court's attention on July 7, 2025, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, and Au could request relief from default by motion; and

(4) Au has not taken any further action in this appeal.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, July 23, 2025.

/s/ Karen T. Nakasone  
Chief Judge

/s/ Clyde J. Wadsworth  
Associate Judge

/s/ Sonja M.P. McCullen  
Associate Judge