

**Electronically Filed
Intermediate Court of Appeals
CAAP-25-0000381
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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

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

Upon consideration of the Motion for Extension of Time to Submit Brief, filed July 24, 2025, by self-represented Defendant-Appellant Benjamin James Au, which the court construes as a motion for reconsideration of the Order Dismissing Appeal, filed July 23, 2025, and for relief from default and a first extension of time for the statement of jurisdiction and opening brief, the papers in support, and the record,

IT IS HEREBY ORDERED that the motion is granted and the appeal is reinstated. See Hawai'i Rules of Appellate Procedure (HRAP) Rules 26(b), (e), 40. The deadline to file the statement of jurisdiction and opening brief is extended to August 28, 2025. Any further default of the statement of jurisdiction or opening brief may result in sanctions authorized by HRAP Rules 12.1(e) and 30, including, without limitation, monetary sanctions, the appeal being dismissed, or both.

DATED: Honolulu, Hawai'i, July 30, 2025.

/s/ Karen T. Nakasone
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge