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Intermediate Court of Appeals  
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NO. CAAP-24-0000694

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK SUCCESSOR  
TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE  
STRUCTURED ASSET MORTGAGE INVESTMENTS II TRUST, MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES 2006-AR7, Plaintiff-Appellee,  
v.

MICHAEL ERIC O'TOOLE; DIANE ZERFUSS O'TOOLE,  
Defendants-Appellants, and  
JOHN DOES 1-20; JANE DOES 1-20; DOE CORPORATIONS 1-20; and  
DOE GOVERNMENTAL UNITS 1-20, Defendants

MICHAEL ERIC O'TOOLE; DIANE ZERFUSS O'TOOLE,  
Counterclaim Plaintiffs/Third-Party Plaintiffs-Appellants, v.  
THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK SUCCESSOR  
TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE  
STRUCTURED ASSET MORTGAGE INVESTMENTS II TRUST, MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES 2006-AR7,  
Counterclaim Defendant-Appellee, and  
BANK OF AMERICA, N.A.; SPECIALIZED LOAN SERVICING, LLC,  
a Colorado limited liability company;  
NATIONSTAR MORTGAGE, LLC, a Delaware limited liability company,  
Third-Party Defendants-Appellees, and  
DOES 1-10, Third-Party Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(CIVIL NO. 3CC16100359K)

ORDER APPROVING STIPULATION TO DISMISS APPEAL  
(By: Nakasone, Chief Judge, Leonard and McCullen, JJ.)

Upon consideration of the November 3, 2025 Stipulation  
for Dismissal with Prejudice of Defendants/Counterclaim and Third  
Party Plaintiffs-Appellants Michael Eric O'Toole and Diane  
Zerfuss O'Toole's Notice of Appeal Filed Herein on October 23,

**NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER**

2024 (Stipulation), filed by Plaintiff-Appellee Bank of New York Mellon, the papers in support, and the record, it appears that:

- (1) The appeal has been docketed;
- (2) Under Hawai'i Rules of Appellate Procedure

Rule 42(b), the parties stipulate to dismiss the appeal with prejudice and bear their own attorneys' fees and costs; and

- (3) The Stipulation is signed by counsel for all appearing parties.

Therefore, IT IS HEREBY ORDERED that the Stipulation is approved and the appeal is dismissed with prejudice. The parties shall bear their own attorneys' fees and costs.

DATED: Honolulu, Hawai'i, January 7, 2026.

/s/ Karen T. Nakasone  
Chief Judge

/s/ Katherine G. Leonard  
Associate Judge

/s/ Sonja M.P. McCullen  
Associate Judge