

**Electronically Filed
Intermediate Court of Appeals
CAAP-24-0000694
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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,*

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