

**Electronically Filed
Supreme Court
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SCWC-23-0000590

IN THE SUPREME COURT OF THE STATE OF HAWAII

GERALD K. MOUNT, JR. and JANE R. MOUNT,
Respondents/Plaintiffs/Counterclaim Defendants/
Cross-claimants-Appellees,

vs.

MARGARET APAO,
Petitioner/Defendant-Appellant,

and

DIRK APAO, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF
ROSE MARIE ALVARO, DECEASED,
Petitioner/Defendant/Counterclaimant/Third-Party Plaintiff-
Appellant,

and

SESHA LOVELACE, AS CO-PERSONAL REPRESENTATIVE OF THE ESTATE OF
ROSE MARIE ALVARO, DECEASED,
Respondent/Defendant/Cross-claim Defendant-Appellee,

and

U.S. BANK NATIONAL ASSOCIATION, A NATIONAL ASSOCIATION AS
TRUSTEE FOR THE STRUCTURED ASSET SECURITIES
CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, 2005-SC1,
Respondent/Third-Party Defendant/Cross-claimant Appellee.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-23-0000590; CASE NO. 1CC111002005)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI
(By: Devens, C.J., McKenna, Eddins, and Ginoza, JJ.,
and Circuit Judge Drewyer, assigned by reason of vacancy)

Pursuant to this court's discretion set forth in Hawai'i Revised Statutes § 602-59(a), Petitioners' Application for Writ of Certiorari filed on June 25, 2026, is hereby accepted.

IT IS FURTHER ORDERED that no oral argument will be held in this case, subject to further order of the court. Any party may, within ten days and pursuant to Rule 34(c) of the Hawai'i Rules of Appellate Procedure, move for retention of oral argument.

IT IS FURTHER ORDERED that the parties shall submit supplemental briefing on the following question:

Has there been compliance with this court's remand mandate in Mount v. Apao, 139 Hawai'i 167, 384 P.3d 1268 (2016), which held that based on U.S. Bank's wrongful nonjudicial foreclosure, on remand, if the Mounts are determined to be innocent purchasers for value, then the circuit court must determine an appropriate remedy, which generally would be an award of damages? Mount, 139 Hawai'i at 169, 180, 384 P.3d at 1270, 1281.

Within twenty days from the date of this order, each party shall file a supplemental brief, not exceeding twenty pages in length, exclusive of title page(s), indices, appendices, and certificate of service. The parties may file

responses to each other's briefs within ten days thereafter. No
reply briefs shall be filed.

DATED: Honolulu, Hawai'i, August 24, 2026.

/s/ Vladimir P. Devens

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Michelle L. Drewyer

