

Electronically Filed
Intermediate Court of Appeals
CAAP-22-0000160
22-AUG-2022
07:55 AM
Dkt. 18 ORD

NO. CAAP-22-0000160

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE SUCCESSOR IN INTEREST TO BANK OF AMERICA,
NATIONAL ASSOCIATION AS TRUSTEE AS SUCCESSOR BY MERGER TO
LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR
CERTIFICATEHOLDERS OF BEAR STERNS ASSET BACKED SECURITIES 1 LLC,
ASSET-BACKED CERTIFICATES, SERIES 2007-HE7, Plaintiff-Appellee,
v. JAMES C. ACOB, Defendant-Appellant, and
JOHN AND MARY DOES 1-20; DOE PARTNERSHIPS,
CORPORATIONS OR OTHER ENTITIES 1-20, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CC151000671)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Hiraoka, Presiding Judge, Wadsworth and Nakasone, JJ.)

Upon consideration of self-represented Defendant-Appellant James C. Acob's (**Acob**) August 1, 2022 Motion for Appeal Reply Order Dismissing Appeal for Lack of Jurisdiction, for Good Cause (**Motion for Reconsideration**), which we construe as a motion for reconsideration of our June 9, 2022 Order Dismissing Appeal for Lack of Appellate Jurisdiction (**Dismissal Order**), the papers in support, and the record, it appears that Acob asks the court to reconsider its Dismissal Order and reinstate this appeal, as an accommodation under the Americans with Disabilities Act and under Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 26(e).

HRAP Rule 40(a) provides that a motion for reconsideration "may be filed by a party only within 10 days after the filing of the . . . dispositional order, . . . unless

by special leave additional time is granted during such period by a judge . . . of the appellate court involved." Acob did not file the Motion for Reconsideration or a request for an extension of time within ten days after entry of the Dismissal Order, as required by HRAP Rule 40(a), and the Motion for Reconsideration is untimely. Further, Acob fails to demonstrate that the court overlooked or misapprehended any point of law or fact when it entered its Dismissal Order.¹ HRAP Rule 40(b).

Therefore, IT IS HEREBY ORDERED that the Motion for Reconsideration is denied.

DATED: Honolulu, Hawai'i, August 22, 2022.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge

¹ We also note that we dismissed the appeal as untimely, under HRAP Rule 4(a)(1), and HRAP Rule 26(b) provides that "no court or judge or justice is authorized to change the jurisdictional requirements contained in Rule 4 of these rules."