

**Electronically Filed
Intermediate Court of Appeals
CAAP-20-0000576
24-MAR-2023
08:31 AM
Dkt. 64 ORD**

NO. CAAP-20-0000576
(Consolidated with Nos. CAAP-20-0000577,
CAAP-20-0000578, and CAAP-20-0000579)

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

CAAP-20-0000576

BERNARDO PANUELOS, Plaintiff-Appellant,
and

CATHERINE BOYD; STEPHEN BURGSTALLER; CRISTINA
BURGSTALLER; JACQUELINE BUI; MARIETTA B. HICKEY
aka MARIETTA BOMBARDIERI; PAMELA B. SHULTS;
ANDRICK C.Y. TONG; BARBARA J.K. DUARTE;
BRUCE A. FOX; STEVEN V. TAYLOR; MIA B. TAYLOR;
SHELLEY M. BUCK; FARZAD AZAD; KATHRYN M. AZAD;
GARY W. FEINER; MICHAEL J. HILLINGER;
and LISA M. HILLINGER, Plaintiffs,

v.

BANK OF AMERICA, N.A.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; HIGHTECHLENDING, INC.;
DAVID FUGATE; AMERICAN SAVINGS BANK, F.S.B.;
JEFFREY T. DANA; JENNIFER M. HAGUE; MATTHEW ROBERT BUSH;
HEATHER NOEL BENNETT; QUICKEN LOANS, INC.; MARK BURROWES;
RONALD K. SCOTT; SHERYL RAE SCOTT; PROVIDENT FUNDING
ASSOCIATES, L.P.; DEREK D. KAWAIAEA; ACADEMY MORTGAGE
CORPORATION; FERNANDO FRONDA; EVERGREEN MONEYSOURCE
MORTGAGE COMPANY; ALVIN LEO SIPE AND SUSAN KITANIK SIPE,
INDIVIDUALLY AND AS TRUSTEES OF THE BLACK INK TRUST DATED
DECEMBER 27, 2016; GABRIEL L. BONDE; FRANK WHITNEY MacLEAN
AND PAMLA HAY MacLEAN, INDIVIDUALLY AND AS TRUSTEES
OF THE FRANK WHITNEY MacLEAN AND PAMLA HAY MacLEAN
REVOCABLE LIVING TRUST DATED NOVEMBER 3, 2004;
CHARLES Z. FEDAK; MERI L. FEDAK; CLAYTON T. HAUSEUR
AND GRACE K. HAUSEUR, INDIVIDUALLY AND AS
TRUSTEES OF THE HAUSEUR FAMILY TRUST DATED
JANUARY 17, 2008; WELLS FARGO BANK, N.A.;
and DOE DEFENDANTS 1-50, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 2CC191000153)

CAAP-20-0000577

MICHAEL J. HILLINGER and LISA M. HILLINGER,
Plaintiffs-Appellants,
and

CATHERINE BOYD; STEPHEN BURGSTALLER; CRISTINA
BURGSTALLER; JACQUELINE BUI; MARIETTA B. HICKEY
aka MARIETTA BOMBARDIERI; PAMELA B. SHULTS;
ANDRICK C.Y. TONG; BARBARA J.K. DUARTE;
BRUCE A. FOX; STEVEN V. TAYLOR; MIA B. TAYLOR;
SHELLEY M. BUCK; FARZAD AZAD; KATHRYN M. AZAD;
GARY W. FEINER; BERNARDO PANUELOS, Plaintiffs,

v.

BANK OF AMERICA, N.A.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; HIGHTECHLENDING, INC.;
DAVID FUGATE; AMERICAN SAVINGS BANK, F.S.B.;
JEFFREY T. DANA; JENNIFER M. HAGUE; MATTHEW ROBERT BUSH;
HEATHER NOEL BENNETT; QUICKEN LOANS, INC.; MARK BURROWES;
RONALD K. SCOTT; SHERYL RAE SCOTT; PROVIDENT FUNDING
ASSOCIATES, L.P.; DEREK D. KAWAIAEA; ACADEMY MORTGAGE
CORPORATION; FERNANDO FRONDA; EVERGREEN MONEYSOURCE
MORTGAGE COMPANY; ALVIN LEO SIPE AND SUSAN KITANIK SIPE,
INDIVIDUALLY AND AS TRUSTEES OF THE BLACK INK TRUST DATED
DECEMBER 27, 2016; GABRIEL L. BONDE; FRANK WHITNEY MacLEAN
AND PAMLA HAY MacLEAN, INDIVIDUALLY AND AS TRUSTEES
OF THE FRANK WHITNEY MacLEAN AND PAMLA HAY MacLEAN
REVOCABLE LIVING TRUST DATED NOVEMBER 3, 2004;
CHARLES Z. FEDAK; MERI L. FEDAK; CLAYTON T. HAUSEUR
AND GRACE K. HAUSEUR, INDIVIDUALLY AND AS
TRUSTEES OF THE HAUSEUR FAMILY TRUST DATED
JANUARY 17, 2008; WELLS FARGO BANK, N.A.;
and DOE DEFENDANTS 1-50, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 2CC191000153)

CAAP-20-0000578

JACQUELINE BUI, Plaintiff-Appellant,
and

CATHERINE BOYD; STEPHEN BURGSTALLER; CRISTINA
BURGSTALLER; MARIETTA B. HICKEY aka MARIETTA BOMBARDIERI;
PAMELA B. SHULTS; ANDRICK C.Y. TONG; BARBARA J.K. DUARTE;
BRUCE A. FOX; STEVEN V. TAYLOR; MIA B. TAYLOR;
SHELLEY M. BUCK; FARZAD AZAD; KATHRYN M. AZAD;
GARY W. FEINER; BERNARDO PANUELOS; MICHAEL J. HILLINGER;
and LISA M. HILLINGER, Plaintiffs,

v.

BANK OF AMERICA, N.A.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; HIGHTECHLENDING, INC.;
DAVID FUGATE; AMERICAN SAVINGS BANK, F.S.B.;
JEFFREY T. DANA; JENNIFER M. HAGUE; MATTHEW ROBERT BUSH;
HEATHER NOEL BENNETT; QUICKEN LOANS, INC.; MARK BURROWES;
RONALD K. SCOTT; SHERYL RAE SCOTT; PROVIDENT FUNDING

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

ASSOCIATES, L.P.; DEREK D. KAWAIAEA; ACADEMY MORTGAGE CORPORATION; FERNANDO FRONDA; EVERGREEN MONEYSOURCE MORTGAGE COMPANY; ALVIN LEO SIPE AND SUSAN KITANIK SIPE, INDIVIDUALLY AND AS TRUSTEES OF THE BLACK INK TRUST DATED DECEMBER 27, 2016; GABRIEL L. BONDE; FRANK WHITNEY MacLEAN AND PAMLA HAY MacLEAN, INDIVIDUALLY AND AS TRUSTEES OF THE FRANK WHITNEY MacLEAN AND PAMLA HAY MacLEAN REVOCABLE LIVING TRUST DATED NOVEMBER 3, 2004; CHARLES Z. FEDAK; MERI L. FEDAK; CLAYTON T. HAUSEUR AND GRACE K. HAUSEUR, INDIVIDUALLY AND AS TRUSTEES OF THE HAUSEUR FAMILY TRUST DATED JANUARY 17, 2008; WELLS FARGO BANK, N.A.; and DOE DEFENDANTS 1-50, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 2CC191000153)

CAAP-20-0000579

BARBARA J.K. DUARTE, Plaintiff-Appellant,
and
CATHERINE BOYD; STEPHEN BURGSTALLER; CRISTINA BURGSTALLER; JACQUELINE BUI; MARIETTA B. HICKEY aka MARIETTA BOMBARDIERI; PAMELA B. SHULTS; ANDRICK C.Y. TONG; BRUCE A. FOX; STEVEN V. TAYLOR; MIA B. TAYLOR; SHELLEY M. BUCK; FARZAD AZAD; KATHRYN M. AZAD; GARY W. FEINER; BERNARDO PANUELOS; MICHAEL J. HILLINGER; and LISA M. HILLINGER, Plaintiffs,
v.

BANK OF AMERICA, N.A.; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; HIGHTECHLENDING, INC.; DAVID FUGATE; AMERICAN SAVINGS BANK, F.S.B.; JEFFREY T. DANA; JENNIFER M. HAGUE; MATTHEW ROBERT BUSH; HEATHER NOEL BENNETT; QUICKEN LOANS, INC.; MARK BURROWES; RONALD K. SCOTT; SHERYL RAE SCOTT; PROVIDENT FUNDING ASSOCIATES, L.P.; DEREK D. KAWAIAEA; ACADEMY MORTGAGE CORPORATION; FERNANDO FRONDA; EVERGREEN MONEYSOURCE MORTGAGE COMPANY; ALVIN LEO SIPE AND SUSAN KITANIK SIPE, INDIVIDUALLY AND AS TRUSTEES OF THE BLACK INK TRUST DATED DECEMBER 27, 2016; GABRIEL L. BONDE; FRANK WHITNEY MacLEAN AND PAMLA HAY MacLEAN, INDIVIDUALLY AND AS TRUSTEES OF THE FRANK WHITNEY MacLEAN AND PAMLA HAY MacLEAN REVOCABLE LIVING TRUST DATED NOVEMBER 3, 2004; CHARLES Z. FEDAK; MERI L. FEDAK; CLAYTON T. HAUSEUR AND GRACE K. HAUSEUR, INDIVIDUALLY AND AS TRUSTEES OF THE HAUSEUR FAMILY TRUST DATED JANUARY 17, 2008; WELLS FARGO BANK, N.A.; and DOE DEFENDANTS 1-50, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 2CC191000153)

ORDER

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

Upon consideration of the "Stipulation for Dismissal with Prejudice of Appeal of Barbara J.K. Duarte[,]" filed March 20, 2023, by Defendant-Appellee Bank of America, N.A., the papers in support, and the record, it appears that (1) the appeal has been docketed; (2) pursuant to Hawai'i Rules of Appellate Procedure Rule 42(b), the parties stipulate to dismiss the appeal of Barbara J.K. **Duarte** docketed as CAAP-20-0000579 (consolidated under CAAP-20-0000576) and bear their own attorneys' fees and costs in that appeal; and (3) the stipulation is dated and signed by counsel for all parties appearing in the consolidated appeals.

Therefore, IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved, and the appeal docketed as CAAP-20-0000579 is dismissed. The parties to that appeal shall bear their own attorneys' fees and costs incurred in connection with that appeal. This order does not affect the appeal of any appellant in these consolidated appeals other than Duarte.

DATED: Honolulu, Hawai'i, March 24, 2023.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge