

NO. CAAP-13-0002205

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

EILEEN SHAVELSON, Plaintiff-Appellant, v.
KITAAMI, et al., Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 13-1-000137)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION

(By: Nakamura, Chief Judge, Leonard and Reifurth, JJ.)

Upon review of the record, it appears that this court does not have jurisdiction over Plaintiff-Appellant Eileen Shavelson's (Appellant Shavelson) appeal from the Honorable Randal G.B. Valenciano's two July 16, 2013 orders denying Appellant Shavelson's two motions for judgment of default, because the two July 16, 2013 interlocutory orders are not independently appealable, and the circuit court has not yet entered an appealable final judgment on all claims pursuant to Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP).

Hawaii Revised Statutes (HRS) § 641-1(a) (1993 & Supp. 2012) authorizes appeals to the intermediate court of appeals only from final judgments, orders, or decrees. Appeals under HRS § 641-1 "shall be taken in the manner . . . provided by the rules of court." HRS § 641-1(c). The two July 16, 2013 interlocutory orders are not final orders, because they do not end the proceedings, leaving nothing further to be accomplished.

Although exceptions to the final judgment requirement exist under the Forgay v. Conrad, 47 U.S. 201 (1848), doctrine (the Forgay doctrine), the collateral order doctrine, and HRS § 641-1(b), the two July 16, 2013 interlocutory orders do not satisfy the requirements for appealability under the Forgay doctrine, the collateral order doctrine, and HRS § 641-1(b). See Ciesla v. Reddish, 78 Hawai'i 18, 20, 889 P.2d 702, 704 (1995) (regarding the two requirements for appealability under the Forgay doctrine); Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 322, 966 P.2d 631, 634 (1998) (regarding the three requirements for appealability under the collateral order doctrine); HRS § 641-1(b) (regarding the requirements for an appeal from an interlocutory order). Therefore, two July 16, 2013 interlocutory orders are not appealable orders.

Absent an appealable final judgment or order, Appellant Shavelson's appeal is premature, and we lack appellate jurisdiction over appellate court case number CAAP-13-0002205. Accordingly,

IT IS HEREBY ORDERED that appellate court case number CAAP-13-0002205 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, January 8, 2014.

Chief Judge

Associate Judge

Associate Judge