

NO. CAAP-15-0000315

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

MICHAEL C. GREENSPON, Plaintiff-Appellant,
v.
ONEWEST BANK N.A.; DAVID B. ROSEN, ESQ.;
THE LAW OFFICE OF DAVID B. ROSEN, ALC, Defendants-Appellees,
and
DOES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 14-1-0379(1))

ORDER GRANTING JUNE 12, 2015 MOTION TO DISMISS APPELLATE COURT
CASE NUMBER CAAP-15-0000315 FOR LACK OF APPELLATE JURISDICTION
(By: Nakamura, Chief Judge, Fujise and Reifurth, JJ.)

Upon review of (1) Defendants-Appellees Onewest Bank, N.A., David B. Rosen, Esq., and the Law Office of David B. Rosen, ALC's (the Appellees), June 12, 2015 motion to dismiss appellate court case number CAAP-15-0000315 for lack of appellate jurisdiction, (2) Plaintiff-Appellant Michael C. Greenspon's (Appellant Greenspon) June 15, 2015 memorandum in opposition to

the Appellees' June 12, 2015 motion to dismiss, and (3) the record, it appears that we lack appellate jurisdiction over Appellant Greenspon's appeal from the Honorable Rhonda I.L. Loo's three interlocutory orders, namely

- a July 10, 2014 "Temporary Restraining Order[,]"
- a March 10, 2015 "Order Granting Defendants' Motion to Strike/Vacate Order Granting Plaintiff's Request to Proceed Pseudonymously and for Protective Order, Filed on June 20, 2014 Nunc Pro Tunc[,]" and
- a March 10, 2015 "Order Granting in Part and Denying in Part Defendant Onewest Bank N.A.'s Motion for Protective Order, Stay, and Sanctions, Filed on January 12, 2015[,]"

because the circuit court has not yet entered a separate final judgment as to all claims in Civil No. 14-1-0379 (1) (RILL).

Hawaii Revised Statutes ("HRS") § 641-1(a) (1993 & Supp. 2014) authorizes appeals to the Hawai'i Intermediate Court of Appeals 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). Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP) requires that "[e]very judgment shall be set forth on a separate document." The Supreme Court of Hawai'i has held that "[a]n appeal may be taken . . . only after the orders have been reduced to a judgment and the judgment has been entered in favor of and against the appropriate parties pursuant to HRCP [Rule] 58[.]" Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994). On June 5, 2015, the circuit court clerk filed the record on appeal for appellate court case number CAAP-15-0000315, which does not include a final judgment.

Although exceptions to the final judgment requirement exist under the doctrine in Forgay v. Conrad, 47 U.S. 201 (1848) (the Forgay doctrine), the collateral order doctrine, and HRS § 641-1(b) (1993 & Supp. 2014), none of the three appealed interlocutory orders satisfies the requirements for appealability under the Forgay doctrine, the collateral order doctrine, or 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 the collateral order doctrine); HRS § 641-1(b) (regarding the requirements for an appeal from an interlocutory order). Absent an appealable final judgment, we lack appellate jurisdiction and Appellant Greenspon's appeal is premature. Therefore,

IT IS HEREBY ORDERED that the Appellees' June 12, 2015 motion to dismiss this appeal for lack of appellate jurisdiction is granted, and appellate court case number CAAP-15-0000315 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, August 26, 2015.

Chief Judge

Associate Judge

Associate Judge