

NO. CAAP-18-0000524

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

ROBINSON FAMILY PARTNERS, Plaintiff-Appellee,

v.

Unknown Heirs or Assigns of KALA (k), KANEALII,
KEAWE O HAWAII, also known as KEAWAIHAWAII,
G.W. KAONA, ZATAIO OPU, KEAHIKOE (w), POHOULA (w),
KELIINUI (k), KAPUA OPO, and ALL WHOM IT MAY CONCERN,
Defendants-Appellees,

and

LANCE KAMUELA GOMES, PUNOHU NALIMU KEKAUALUA III,
FRED FLORES, MITCHELL ALAPA, KEALI'I TOM KANAHELE,
KIKO KANEALI'I, KAWAILEHUA ROSE SANDBORN, WILMA H. HOLI,
and DAWN K. WASSON, Interested Parties-Appellants

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 17-1-0128)

ORDER GRANTING JULY 11, 2018 MOTION TO
DISMISS APPEAL FOR LACK APPELLATE JURISDICTION

(By: Fujise, Presiding Judge, Reifurth and Chan, JJ.)

Upon consideration of (1) Plaintiff-Appellee Robinson Family Partners' (Robinson Family Partners) July 11, 2018 motion to dismiss appellate court case number CAAP-18-0000524 for lack of appellate jurisdiction, (2) the lack of any memorandum by Defendants-Appellants Lance Kamuela Gomes (Gomes) and Punohu Nalimu Kekualua III (Kekualua), pro se, in response to Robinson Family Partners' July 11, 2018 motion, and (3) the record, it appears that we lack appellate jurisdiction over Gomes and Kekualua's appeal from circuit court civil case number 17-1-0218, because the circuit court has neither adjudicated the claims in Robinson Family Partners' August 29, 2017 complaint nor

entered an appealable final judgment.

An aggrieved party cannot obtain appellate review of a circuit court's dispositive orders in a civil case pursuant to Hawaii Revised Statutes (HRS) § 641-1(a) (2016) until the circuit court reduces the dispositive rulings to an appealable final judgment as to all claims and parties pursuant to Rule 58 of the Hawai'i Rules of Civil Procedure (HRCPC). See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994) ("An appeal may be taken from circuit court orders resolving claims against parties 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 HRCPC [Rule] 58[.]"). "Thus, based on Jenkins and HRCPC Rule 58, an order is not appealable, even if it resolves all claims against the parties, until it has been reduced to a separate judgment." Carlisle v. One (1) Boat, 119 Hawai'i 245, 254, 195 P.3d 1177, 1186 (2008). Consequently, "[a]n appeal from an order that is not reduced to a judgment in favor or against the party by the time the record is filed in the supreme court will be dismissed." Jenkins, 76 Hawai'i at 120, 869 P.2d at 1339 (footnote omitted). On August 27, 2018, the circuit court clerk filed the record on appeal for appellate court case number CAAP-18-0000524, which does not include an appealable final judgment. Therefore, Gomes and Kekaulua's appeal is premature, and we lack appellate jurisdiction.

Therefore, IT IS HEREBY ORDERED that Robinson Family Partners' July 11, 2018 motion to dismiss appellate court case number CAAP-18-0000524 is granted, and appellate court case number CAAP-18-0000524 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, November 2, 2018.

Presiding Judge

Associate Judge

Associate Judge