

**Electronically Filed
Intermediate Court of Appeals
CAAP-18-0000601
07-NOV-2018
09:37 AM**

NO. CAAP-18-0000601

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

WILLIAMSON BUN CHIN CHANG, Plaintiff-Appellant,
v.
ASSOCIATION OF APARTMENT OWNERS OF MOTT-SMITH LANILOA
CERTIFIED MANAGEMENT, INC., dba ASSOCIA HAWAII,
Defendants/Cross-Claim Defendants-Appellees,
and
PATRICIA CHOI, PATRICIA CHOI REALTY, INC.,
dba CHOI INTERNATIONAL, Defendants/Cross-Claim
Defendants/Cross-Claim Plaintiffs-Appellees,
and
HUNTINGTON ARCADIA, LLC,
Defendant/Cross-Claim Plaintiff-Appellee,
and
BOARD OF DIRECTORS OF THE ASSOCIATION OF
APARTMENT OWNERS OF MOTT-SMITH LANILOA,
Defendant/Cross-Claim Defendant-Appellee,
and
DOE BOARD MEMBERS 1-100, JOHN DOES 1-100,
JANE DOES 1-100, DOE PARTNERSHIPS 1-100,
DOE CORPORATIONS 1-100, AND DOE ENTITIES 1-100,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 17-1-1038)

ORDER GRANTING AUGUST 2, 2018 MOTION TO
DISMISS APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Fujise, Presiding Judge, Reifurth and Chan, JJ.)

Upon review of (1) Defendants/Cross-Claim Defendants/
Appellees Association of Apartment Owners of Mott-Smith Laniloa
(AOAO Mott-Smith Laniloa), Certified Management, Inc. dba Associa
Hawaii (Certified Management), and Board of Directors of the
Association of Apartment Owners of Mott-Smith Laniloa's (the
Board of Directors of Mott-Smith Laniloa) August 2, 2018 motion

to dismiss appellate court case number CAAP-18-0000601 for lack of appellate jurisdiction, (2) Defendants/Cross-Claim Defendants/Cross-Claim Plaintiffs/Appellees Patricia Choi and Patricia Choi Realty, Inc. dba Choi International's (the Choi Defendants) August 3, 2018 joinder in AOA Mott-Smith Laniloa, Certified Management, and the Board of Directors of Mott-Smith Laniloa's August 2, 2018 motion, (3) Plaintiff-Appellant Williamson Bun Chin Chang's (Chang) August 8, 2018 memorandum in opposition to AOA Mott-Smith Laniloa, Certified Management, and the Board of Directors of Mott-Smith Laniloa's August 2, 2018 motion, and (4) the record, it appears that we lack appellate jurisdiction over the Honorable Bert I. Ayabe's two June 29, 2018 interlocutory orders summarily adjudicating Count 1, Count 3, Count 4, Count 6, Count 8 and Count 9 of Chang's nine-count first amended complaint against Chang and in favor of the defendants, because the circuit court has neither adjudicated the remaining multiple claims nor reduced any of the substantive rulings to 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 pursuant to Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP). 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 HRCP [Rule] 58[.]"). "Thus, based on Jenkins and HRCP 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 September 14, 2018, the

circuit court clerk filed the record on appeal for appellate court case number CAAP-18-0000601, which does not include an appealable final judgment. The two June 29, 2018 interlocutory orders do not adjudicate all of the remaining multiple claims in this case, and are therefore not independently appealable or subject to remand under Waikiki v. Ho'omaka Village Assoc. of Apt. Owners, 140 Hawai'i 197, 204, 398 P.3d 786, 793 (2017). In the absence of an appealable final judgment, Chang's appeal is premature, and we lack appellate jurisdiction.

Therefore, IT IS HEREBY ORDERED that AOA Mott-Smith Laniloa, Certified Management, and the Board of Directors of Mott-Smith Laniloa's August 2, 2018 motion to dismiss appellate court case number CAAP-18-0000601 is granted, and appellate court case number CAAP-18-0000601 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, November 7, 2018.


Presiding Judge


Associate Judge


Associate Judge