

DISSENT BY LEONARD, J.

I respectfully dissent from the court's order *sua sponte* dismissing the appeal filed by Defendant-Appellant Rosalyn H. Baker (**Baker**) based on a lack of appellate jurisdiction. The Hawai'i Supreme Court's holding in Abercrombie v. McClung, 54 Haw. 376, 381, 507 P.2d 719, 722 (1973), appears to be on point and binding on this court, and allows an interlocutory appeal by a member of the Hawai'i Legislature to preserve the protection from suit granted by the Hawai'i Constitution to Hawai'i legislators. Accordingly, I would allow Baker's appeal to proceed.