

NO. CAAP-11-0000638

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
DAN MEZURASHI, Defendant-Appellee, and
EXODUS BAIL BOND, Real Party In Interest-Appellant.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 07-1-0336)

SUMMARY DISPOSITION ORDER

(By: Nakamura, C.J., Reifurth and Ginoza, JJ.)

Real Party In Interest-Appellant Exodus Bail Bond (Exodus) purports to appeal from the Circuit Court of the First Circuit's (circuit court) July 29, 2011 Order Denying Motion for Mitigation of Bail Forfeiture. It appears that Exodus's notice of appeal is not valid, and thus we dismiss this appeal for lack of appellate jurisdiction.

On August 26, 2011, a notice of appeal was filed on behalf of Exodus, with Exodus purporting to be the "Real-Party-In-Interest, Pro se." It appears in public records that Exodus is a limited liability company. An entity such as Exodus is not allowed to appear and represent itself. See Oahu Plumbing & Sheet Metal, Ltd. v. Kona Constr., Inc., 60 Haw. 372, 374, 590 P.2d 570, 572 (1979).

Moreover, based on our review of the record and despite the fact that the signature block was styled as noted above, it appears that the notice of appeal was signed by Frank Fernandez. At the time the notice of appeal was filed, Frank Fernandez was not authorized to practice law. Specifically, on April 18, 2011 (over four months before the notice of appeal was filed), the Hawai'i Supreme Court issued an Order of Interim Suspension suspending Frank Fernandez from the practice of law pending the outcome of disciplinary proceedings. See SCAD-11-0000032. Subsequently, on February 14, 2013, the Hawai'i Supreme Court filed an Order of Disbarment with respect to Frank Fernandez. See SCAD-12-0000376. An individual not authorized to practice law may not represent an entity such as Exodus. See Oahu Plumbing & Sheet Metal, Ltd., 60 Haw. at 377, 590 P.2d at 573-74; Hawaii Revised Statutes (HRS) § 605-2 (1993 Repl.) and § 605-14 (Supp. 2012).¹

Given the above, the notice of appeal filed on August 26, 2011, is defective and invalid.

Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

¹ We also note that on March 16, 2012, an opening brief was filed on behalf of Exodus, which was signed by Janis Fernandez. It appears that Janis Fernandez is not licensed to practice law in Hawai'i. Because she was not a licensed attorney, Janis Fernandez was not authorized to file briefs on behalf of Exodus in this appellate case. See Oahu Plumbing & Sheet Metal, Ltd., 60 Haw. at 377, 590 P.2d at 573-74; HRS § 605-2 and § 605-14. Thus, the opening brief was also invalid in this appeal.

IT IS FURTHER HEREBY ORDERED that the appellate clerk shall forward a copy of this order to the Office of Disciplinary Counsel.

DATED: Honolulu, Hawai'i, May 16, 2013.

On the briefs:

Exodus Bail Bond
Real Party In Interest-Appellant

Chief Judge

Loren J. Thomas
Deputy Prosecuting Attorney
City and County of Honolulu
for Plaintiff-Appellee

Associate Judge

Associate Judge