

**Electronically Filed
Intermediate Court of Appeals
CAAP-15-0000412
26-JUN-2015
08:16 AM**

NO. CAAP-15-0000412

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CAROLANN HIA'A PALAKIKO, Plaintiff-Appellant, v.
TRANSGLOBAL ADJUSTING CORP and JUD HOWARTH, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 15-1-0233)

ORDER
DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
AND
DISMISSING ALL PENDING MOTIONS IN CAAP-15-0000412 AS MOOT
(By: Foley, Presiding Judge, Leonard and Ginoza, JJ.)

Upon review of the record, it appears that we lack appellate jurisdiction over this appeal that Plaintiff-Appellant Carolann Hia'a Palakiko (Appellant Palakiko) has asserted from the circuit court minutes in Civil No. 15-1-0233-02 (VLC) indicating that the circuit court intends to enter a written order granting Defendants-Appellees Transglobal Adjusting Corp and Jude Howarth's motion to dismiss Appellant Palakiko's civil complaint, because the circuit court has not yet reduced any dispositive ruling to a separate, appealable, final judgment, as Hawaii Revised Statutes (HRS) 641-1(a) (1993 & Supp. 2014)

requires for an appeal from a civil circuit court case under Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP) and the holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

HRS § 641-1(a) 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). HRCP Rule 58 requires that "[e]very judgment shall be set forth on a separate document." The Supreme Court of Hawai'i requires 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, 76 Hawai'i at 119, 869 P.2d at 1338. "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). "An appeal from an order that is not reduced to a judgment in favor of 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).

Although the circuit court's April 29, 2015 minutes, i.e., minute order, indicate that the circuit court intends to enter a written order granting Defendants-Appellees Transglobal Adjusting Corp and Jude Howarth's motion to dismiss Appellant Palakiko's civil complaint, "a minute order is not an appealable

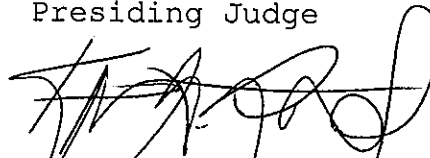
order." Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 321 n.3, 966 P.2d 631, 633 n.3 (1998) (emphasis added). omitted).). On May 28, 2015, the circuit court clerk filed the record on appeal for appellate court case number CAAP-15-0000412, which does not contain an appealable final judgment. Absent an appealable final judgment, we lack appellate jurisdiction, and Appellant Palakiko's appeal is premature.

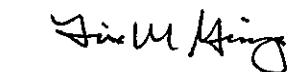
Therefore, IT IS HEREBY ORDERED that appellate court case number CAAP-15-0000412 is dismissed for lack of appellate jurisdiction.

IT IS FURTHER HEREBY ORDERED that all pending motions in appellate court case number CAAP-15-0000412 are dismissed as moot.

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


Camille R. Foley
Presiding Judge


Associate Judge


Associate Judge