

NO. CAAP-15-0000946

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

ASSOCIATION OF APARTMENT OWNERS OF POKAI BAY BEACH CABANAS,
by its Board of Directors, Plaintiff-Appellee,

v.

AUGUST EUGENE ACANTILADO, MIREILLE HENRIETTE ACANTILADO,
AMERICAN SAVINGS BANK, F.S.B., a federal savings bank,
Defendants-Appellees,

and

JOHN DOES 1-5; JANE DOES 1-5;

DOE PARTNERSHIPS 1-5; DOE CORPORATIONS 1-5;

DOE ENTITIES 1-5, and DOE GOVERNMENTAL UNITS 1-5, Defendants,
and

BOBBY RAY NARMORE, Person-in-Interest-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 10-1-1490)

ORDER DISMISSING APPEAL FOR LACK OF STANDING

(By: Fujise, Presiding Judge, Leonard and Ginoza, JJ.)

Upon review of the record, it appears that Non-Party/Appellant Bobby Ray Narmore (Appellant Narmore) lacks standing to assert an appeal from an October 28, 2015 stipulation to dismiss Plaintiff-Appellee Association of Apartment Owners of Pokai Bay Beach Cabanas' (Appellee AOA Pokai Bay Beach Cabanas) complaint against Defendants-Appellees August Eugene Acantilado, Mireille Henriette Acantilado and American Savings Bank, F.S.B., pursuant to Rule 41(a)(1)(B) of the Hawai'i Rules of Civil Procedure (HRCP), because Appellant Narmore is a non-party in the underlying case, Civil No. 10-1-1490-07.

Generally, the requirements of standing to appeal are: (1) the person must first have been a party to the action; (2) the person seeking modification of the order or judgment must have had standing to oppose it in the trial court; and (3) such person must be aggrieved by the ruling, i.e., the person must be one who is affected or prejudiced by the appealable order.

Abaya v. Mantell, 112 Hawai'i 176, 181, 145 P.3d 719, 724 (2006)

(citation and internal quotation marks omitted; emphasis in original). "In other words, non-parties, who did not or could not intervene, are ordinarily denied standing to appeal." Id.

(citation and internal quotation marks omitted; emphasis in original). In Civil No. 10-1-1490-07, Appellant Narmore neither sought nor obtained the circuit court's permission to intervene as a party pursuant to HRCp Rule 24, and, thus, Appellant Narmore, as a non-party, lacks standing to assert an appeal in appellate court case number CAAP-15-0000946. None of the parties in Civil No. 10-1-1490-07 have asserted an appeal.

Therefore, IT IS HEREBY ORDERED AND DECREED that appellate court case number CAAP-15-0000946 is dismissed.

DATED: Honolulu, Hawai'i, May 26, 2016.

Presiding Judge

Associate Judge

Associate Judge