

Electronically Filed
Intermediate Court of Appeals
CAAP-16-0000153
09-JUN-2016
09:43 AM

NO. CAAP-16-0000153

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

RONALD GIT SUM AU, Plaintiff-Appellant,
v.
THE ASSOCIATION OF APARTMENT OWNERS OF THE ROYAL IOLANI,
HAWAIIANA MANAGEMENT COMPANY, LTD., R. LAREE MCGUIRE,
Defendants-Appellees,
and
JOHN DOE DEFENDANTS 1-10, DOE CORPORATIONS or ENTITIES 1-10,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 15-1-2152)

ORDER
DISMISSING APPELLATE COURT CASE NUMBER CAAP-16-0000153
FOR LACK OF APPELLATE JURISDICTION
AND
DISMISSING AS MOOT ALL PENDING MOTIONS
(By: Foley, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of records in CAAP-16-0000153, it appears this court lacks appellate jurisdiction. Plaintiff-Appellant Ronald Git Sum Au (Appellant), pro se, appeals from the "Order Granting Defendant R. Laree McGuire's Motion to Dismiss Filed December 7, 2015, and Joinder by Defendants Association of Apartment Owners of Royal Iolani and Hawaiiana Management Company, Ltd's In [sic] Motion to Dismiss Filed December 7, 2015, Filed January 6, 2016, and Denying Plaintiff Ronald Git Sum Au's Motion for Partial Summary Judgment Against Defendants the

Association of Apartment Owners of the Royal Iolani, Hawaiiana Management Company, Ltd., and R. Laree McGuire Filed December 23, 2015," (Order) filed on February 16, 2016 in the Circuit Court of the First Circuit.

HRS § 641-1(a) (1993 & Supp. 2015) authorizes 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). Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP) requires that "[e]very judgment shall be set forth on a separate document." HRCP Rule 58. Based on this requirement under HRCP Rule 58, the Supreme Court of Hawai'i has held 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 v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994). "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).

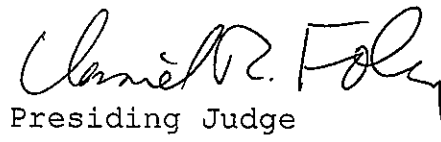
The Circuit Court has not yet entered a final judgment in the case. Therefore, absent a final judgment, the February 16, 2016 Order is not yet appealable. The February 16, 2016 Order does not require the execution of a command that the Appellant deliver any real property to any adversary. Appellant sought declaratory and injunctive relief to halt a non-judicial foreclosure and sale, thus, there is no decree of foreclosure, writ of possession, or order for specific sale involved.

Therefore, the February 16, 2016 Order is not independently appealable under the Forgay doctrine. Therefore, this court lacks appellate jurisdiction over the appeal.

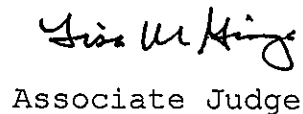
IT IS HEREBY ORDERED that the appeal is dismissed for lack of appellate jurisdiction.

IT IS FURTHER HEREBY ORDERED that all pending motions in appellate court case number CAAP-16-0000153 are dismissed as moot.

DATED: Honolulu, Hawai'i, June 9, 2016.


Christi R. Foley
Presiding Judge


Lawrence M. Rife
Associate Judge


Lisa M. King
Associate Judge