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NOS. CAAP 13-0001699,  
CAAP-15-0000516 AND CAAP-15-0000517  
IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

**CAAP-13-0001699**

LORNA SOUZA, TRUSTEE OF THE IRENE K. TAKAHAMA TRUST  
DATED NOVEMBER 19, 1992, AS AMENDED, AND THE LAWRENCE I.  
TAKAHAMA TRUST DATED NOVEMBER 19, 1992, Plaintiff-Appellee,  
v.  
ELIZABETH FISHER, Defendant-Appellant

**CAAP-15-0000516**

LORNA SOUZA, TRUSTEE OF THE IRENE K. TAKAHAMA TRUST  
DATED NOVEMBER 19, 1992, AS AMENDED, AND THE LAWRENCE I.  
TAKAHAMA TRUST DATED NOVEMBER 19, 1992, Plaintiff/Counterclaim  
Defendant-Appellant,  
v.  
ELIZABETH FISHER, Defendant/Counterclaim  
Plaintiff-Appellee

**CAAP-15-0000517**

LORNA SOUZA, TRUSTEE OF THE IRENE K. TAKAHAMA TRUST  
DATED NOVEMBER 19, 1992, AS AMENDED, AND THE LAWRENCE I.  
TAKAHAMA TRUST DATED NOVEMBER 19, 1992, Plaintiff/Counterclaim  
Defendant-Appellee,  
v.  
ELIZABETH FISHER, Defendant/Counterclaim  
Plaintiff-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
HONOLULU DIVISION  
(CIVIL CASE NO. 1RC12-1-000925)

(1) ORDER DENYING DEFENDANT ELIZABETH FISHER'S  
MOTION TO DISMISS AND (2) ORDER DENYING PLAINTIFF  
LAURA SOUZA'S MOTION FOR EXTENSION OF TIME

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

Upon consideration of Defendant/Counterclaim Plaintiff-Appellee Elizabeth Fisher's (Fisher) "Motion to Dismiss Appeal," filed February 11, 2016; the "Motion for Extension of Time to File (1) Opposition to Motion to Dismiss Appeal Filed February 11, 2016 and (2) Opening Brief of Cross-Appeal," filed February 19, 2016 by Plaintiff/Counterclaim Defendant-Appellant Lorna Souza, Trustee of The Irene K. Takahama Trust Dated November 19, 1992, as amended, and The Lawrence I. Takahama Trust Dated November 19, 1992 (Souza); and the records and files herein, it appears that:

(1) In regard to Fisher's argument that Souza's appeal is untimely, under Hawaii Revised Statutes (HRS) § 641-1(a) (Supp. 2015) and Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 426, 984 P.2d 1251, 1252 (1999), the orders by the District Court of the First Circuit, Honolulu Division (district court) addressing Souza's claim for money damages and Fisher's counterclaims were not appealable until the district court entered an order ending the litigation by deciding all rights and liabilities of all parties, leaving nothing further to be adjudicated. The district court did not utilize a single order or single judgment to adjudicate all of the multiple claims. Instead, the district court adjudicated the parties' multiple claims through a series of one judgment and three orders:

- (a) a May 30, 2013 judgment for possession as to Souza's complaint;
- (b) a December 9, 2013 order that adjudicated Souza's claims for money damages and Count 1, Count 4, Count 5, Count 6, Count 7 and Count 8 in Fisher's amended counterclaim, but did not adjudicate Count 2 and Count 3 of Fisher's amended counterclaim;
- (c) a June 10, 2015 order granting in part and denying in part Souza's motion for reconsideration of the December 9, 2013 order; and

- (d) a June 10, 2015 order granting Fisher's motion to correct an omission in the December 9, 2013 order by expressly dismissing Count 2 and Count 3 of Fisher's amended counterclaim.

In the instant case, the last orders in the series of orders that the district court utilized to adjudicate the multiple claims were the two June 10, 2015 orders, which finally determined and ended the litigation on the substantive issues in this case, leaving nothing further to be adjudicated. Thus, the two June 10, 2015 orders are the appealable final orders that perfected the parties' right to appeal under HRS § 641-1(a) and the holding in Casumpang.

(2) Souza filed her July 10, 2015 notice of appeal on the thirtieth day after entry of the two June 10, 2015 orders, as Hawai'i Rules of Appellate Procedure (HRAP) Rule 4(a)(1) required. Accordingly, Souza's appeal was timely.

IT IS HEREBY ORDERED that Fisher's Motion to Dismiss Appeal is denied. Fisher may raise arguments related to the district court's jurisdiction in her appellate briefing.

IT IS HEREBY FURTHER ORDERED that Souza's Motion for Extension of Time is denied.

DATED: Honolulu, Hawai'i, February 24, 2016.

  
Presiding Judge

  
Associate Judge

  
Associate Judge