

NO. CAAP-18-0000555

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

OLU PUA GARDENS LLC, a Domestic Limited Liability Company,
Plaintiff-Appellee,

v.

LANCE KAMUELA GOMES, Defendant-Appellant,

and

JOHN DOE PERSONS & ENTITIES 1-10,
Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 18-1-0072)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION

(By: Fujise, Presiding Judge, Reifurth and Chan, JJ.)

Upon review of the record, it appears that we lack appellate jurisdiction over Defendant-Appellant Lance Kamuela Gomes's (Gomes) appeal from circuit court civil case number 18-1-0072, the Honorable Randal G.B. Valenciano presiding, because the circuit court has neither adjudicated the claims in Plaintiff-Appellee Olu Pua Gardens LLC's (Olu Pua Gardens) May 22, 2018 complaint against Gomes, nor entered an appealable final judgment.

An aggrieved party cannot obtain appellate review of a circuit court's dispositive orders in a civil case pursuant to Hawaii Revised Statutes (HRS) § 641-1(a) (2016) until the circuit court reduces the dispositive orders to an appealable final judgment as to all claims and parties pursuant to Rule 58 of the

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Hawai'i Rules of Civil Procedure (HRCP). See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994) ("An appeal may be taken from circuit court orders resolving claims against parties 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[.]"). "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). Consequently, "[a]n 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). On September 11, 2018, the circuit court clerk filed the record on appeal for appellate court case number CAAP-18-0000555, which does not include an appealable final judgment.

Therefore, IT IS HEREBY ORDERED that appellate court case number CAAP-18-0000555 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, November 5, 2018.

Presiding Judge

Associate Judge

Associate Judge