

NO. CAAP-18-0000190 AND CAAP-18-0000951

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CAAP-18-0000190
GALINA OGEONE, Plaintiff-Appellant, v.
DENIST LESLIE AU, Defendant-Appellee

AND

CAAP-18-0000951
GALINA OGEONE, Plaintiff-Appellant, v.
DENIST LESLIE AU, Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 18-1-0076)

ORDER

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

Upon consideration of the following motions filed by Plaintiff-Appellant Galina Ogeone (Ogeone), pro se: (1) "Motion to Consolidate Appeals CAAP-180000951 [sic], CAP-18-0000190 [sic]," filed December 20, 2018, in case number CAAP-18-0000190 (December 20, 2018 motion in case number CAAP-18-0000190), (2) "Motion to Extend Time to File Amended Statement of Jurisdiction," filed December 26, 2019, in case number CAAP-18-0000190 (December 26, 2018 motion in case number CAAP-18-0000190), (3) "Motion to Decide on Appellant's Motions and on Appellant's Case," filed January 22, 2019, in case number CAAP-18-0000190 (January 22, 2019 motion in case number CAAP-18-0000190), (4) "Motion to Consolidate Appeals CAAP-180000951

[sic], CAP-18-0000190 [sic]," filed December 21, 2018, in case number CAAP-18-0000951 (December 21, 2018 motion in case number CAAP-18-0000951), (5) "Exparte [sic] Motion for Leave to Proceed on Appeal In Forma Pauperis," filed December 26, 2018, in case number CAAP-18-0000951, (6) "Motion to Decide on Appellant's Motions," filed January 29, 2019, in case number CAAP-18-0000951, (7) "Motion to Cancel Deadlines for Filing Appellant's Statement of Jurisdiction, Opening Brief, and Deadline for Filing Record on Appeal," filed January 31, 2019, in case number CAAP-18-0000951; the papers in support, the record in case numbers CAAP-18-0000190 and CAAP-18-0000951, and there being no opposition to the motions, it appears that:

(1) In the December 20, 2018 Motion in case number CAAP-18-0000190 and the December 21, 2018 motion in case number CAAP-18-0000951, Ogeone seeks to consolidate the appeals in case numbers CAAP-18-0000190 and CAAP-18-0000951;

(2) In case number CAAP-18-0000190, Ogeone appeals from the circuit court's February 22, 2018 order denying her motion for leave to file a complaint against Defendant-Appellee Dentist Leslie Au in Civil No. 18-1-0076. On November 29, 2018, the court in case number CAAP-18-0000190 temporarily remanded the case to the circuit court with instructions to enter an appealable final judgment, consistent with Waikiki v. Ho'omaka Village Ass'n of Apartment Owners, 140 Hawai'i 197, 398 P.3d 786 (2017). In compliance with the November 29, 2018 order, the circuit court entered a final judgment on December 12, 2018, and the circuit court clerk filed a supplemental record on appeal that included the final judgment on December 24, 2018. On December 14, 2018, Ogeone filed a notice of appeal from the December 12, 2018 final judgment, which created case number CAAP-18-0000951. The appeal in case number CAAP-18-0000951 is duplicative and unnecessary, because the court will review the December 12, 2018 final judgment when it considers the appeal in case number CAAP-18-0000190 on the merits. The court will sua

sponte dismiss the appeal in case number CAAP-18-0000951, making the motions for consolidation moot;

(3) In the December 26, 2018 motion in case number CAAP-18-0000190, Ogeone seeks a first extension of time for the amended statement of jurisdiction required by the November 29, 2018 order, due to her illness;

(4) There appears to be good cause to grant an extension;

(5) In the January 22, 2019 motion in case number CAAP-18-0000190, Ogeone requests the court to decide her "case" and the pending motions in case number CAAP-18-0000190;

(6) With this order, the court has decided all pending motions in case number CAAP-18-0000190, and it will decide her appeal in that case as soon as practicable;

(7) In case number CAAP-18-0000951, Ogeone filed on December 26, 2018, a motion for leave to proceed on appeal *in forma pauperis*, on January 29, 2019, a motion to decide her pending motions, and on January 31, 2019, a motion to cancel certain deadlines; and

(8) Because the court will dismiss the appeal in case number CAAP-18-0000951, it will also dismiss all pending motions in that appeal.

Therefore, IT IS HEREBY ORDERED that the appeal in case number CAAP-18-0000951 is dismissed as unnecessary, and all pending motions are dismissed.

IT IS FURTHER ORDERED that the December 20, 2018 motion in appeal number CAAP-18-0000190 is denied as moot.

IT IS FURTHER ORDERED that the December 26, 2018 motion in case number CAAP-18-0000190 is granted. Within ten days from the date of this order, Ogeone shall file the amended statement of jurisdiction required by the November 29, 2018 order in case number CAAP-18-0000190.

IT IS FURTHER ORDERED that the January 22, 2019 motion in case number CAAP-18-0000190 is denied as follows:

(1) The request to decide certain motions is denied as moot.

(2) The request to decide the "case" is denied but the court will enter a decision on the merits of the appeal as soon as practicable.

IT IS FURTHER ORDERED that the appellate clerk shall file this order in case numbers CAAP-18-0000190 and CAAP-18-0000951.

DATED: Honolulu, Hawai'i, February 27, 2019.

Chief Judge

Associate Judge

Associate Judge