

**Electronically Filed
Intermediate Court of Appeals
CAAP-19-0000516
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NO. CAAP-19-0000516

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

SYLVIA CABRAL, Plaintiff-Appellant, v.
LAURIE HAYES, Defendant-Appellee

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
WAILUKU DIVISION
(2SC181000228)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Chan, Presiding Judge, Hiraoka and Wadsworth, JJ.)

Upon review of (1) this appeal by self-represented Plaintiff-Appellant Sylvia Cabral (**Cabral**) from the June 20, 2019 order denying Cabral's motion to seal court records and consolidate eight cases in District Court Small Claims No. 18-1-00220, and (2) the record, it appears that we lack appellate jurisdiction over Cabral's appeal because there is no statutory right to appeal from a District Court Small Claims case.

"There is no common law right to appeal. The right to appeal is purely statutory, and exists only when given by some constitutional or statutory provision." Greer v. Baker, 137 Hawai'i 249, 252, 369 P.3d 832, 835 (2016) (citation and internal quotation marks omitted). Hawaii Revised Statutes § 633-28(a) (2016) expressly provides that "[t]here shall be no appeal from a judgment of the small claims division[.]" See, e.g., Chambers v. Leavey, 60 Haw. 52, 57, 587 P.2d 807, 810 (1978) (acknowledging that there is no statutory right to appeal from a judgment of the

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small claims division). As Rule 12(b) of the Rules of the Small Claims Division of the District Courts acknowledges, there is "[n]o right of appeal. A party may not appeal from a judgment of the small claims division."

Therefore, IT IS HEREBY ORDERED that appeal number CAAP-19-0000516 is dismissed for lack of appellate jurisdiction.

IT IS FURTHER HEREBY ORDERED that all pending motions in appeal number CAAP-19-0000516 are dismissed as moot.

DATED: Honolulu, Hawai'i, April 6, 2020.

/s/ Derrick H.M. Chan
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge