

**Electronically Filed
Intermediate Court of Appeals
CAAP-19-0000839
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NO. CAAP-19-0000839

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

MAI, LLC, Plaintiff/Counterclaim-Defendant/Appellee, v.
RUDOLF HELDER, Defendant-Counterclaimant/Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CIVIL NO. 1RC18-1-8199)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Chan, Presiding Judge, Hiraoka and Wadsworth, JJ.)

Upon review of (1) the February 10, 2020 motion by Plaintiff/Counterclaim-Defendant/Appellee Mai, LLC (**Mai**) to dismiss appeal number CAAP-19-0000839 for lack of appellate jurisdiction (**Motion to Dismiss**), (2) a February 18, 2020 statement of jurisdiction and memorandum by Defendant/Counterclaimant/Appellant Rudolf Helder (**Helder**) in response to the Motion to Dismiss, and (3) the record, it appears that we lack appellate jurisdiction over Helder's appeal from the district court's November 6, 2019 order granting Mai's motion for partial summary judgment as to Count 3 of Helder's first amended counterclaim. The November 6, 2019 order does not resolve all of the claims in Mai's complaint and in Helder's first amended counterclaim, as Hawaii Revised Statutes (HRS) § 641-1(a) (2016) requires for an appeal from a district court civil case. Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 426, 984 P.2d 1251, 1252 (1999). We decline Helder's request that we stay this

appeal pending the future entry of judgment on the remaining claims because we lack jurisdiction to do so.

Therefore, IT IS HEREBY ORDERED that the Motion to Dismiss is granted, and appeal number CAAP-19-0000839 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, April 7, 2020.

/s/ Derrick H.M. Chan
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge