

NO. CAAP-20-0000131

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

KE NOHO KAI COMMUNITY ASSOCIATION, by its Board of Directors,  
Plaintiff-Appellant, v. ARMANDO SEDANO, Defendant-Appellee,  
and JOHN DOES 1-5; JANE DOES 1-5; DOE PARTNERSHIPS 1-5;  
DOE CORPORATIONS 1-5; DOE ENTITIES 1-5; and  
DOE GOVERNMENTAL UNITS 1-5, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 1CC171000680)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION

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

Upon review of the record, it appears that we lack appellate jurisdiction over Plaintiff-Appellant Ke Noho Kai Community Association's (Ke Noho Kai) appeal from the February 12, 2020 judgment in Civil No. 17-1-0680-04 (DEO), which is based on an order granting Defendant-Appellee Armando Sedano's (Sedano) motion to appoint special counsel to represent Sedano in Ke Noho Kai's appeal in appellate court case number CAAP-19-0000844. The February 12, 2020 judgment does not adjudicate any of Ke Noho Kai's multiple causes of action against Sedano.

Pursuant to Hawaii Revised Statutes (HRS) § 641-1(a) (2016) and Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP), "[a]n 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[.]" Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

Ke Noho Kai asserted three counts in its April 26, 2017 complaint against Sedano, but the February 12, 2020 judgment does not resolve any of those claims. Although the circuit court certified the February 12, 2020 judgment pursuant to HRCP Rule 54(b), HRCP Rule 54(b) "certification of finality is limited to only those cases where . . . the judgment entered completely disposes of at least one claim or all of the claims by or against at least one party." Elliot Megdal & Assocs. v. Daio USA Corp., 87 Hawai'i 129, 133, 952 P.2d 886, 890 (App. 1998) (citation omitted). Because the circuit court did not adjudicate any cause of action, the circuit court's HRCP Rule 54(b)-certified judgment "was not final and should not have been certified by the circuit court as final pursuant to HRCP Rule 54(b)." Elliot Megdal, 87 Hawai'i at 135, 952 P.2d at 892; see also Fujimoto v. Au, 95 Hawai'i 116, 136 n.16, 19 P.3d 699, 719 n.16 (2001) (A "circuit court's order awarding attorneys' fees and costs may not be certified as a final judgment, pursuant to HRCP Rule 54(b), because such an order is not a final decision with respect to a claim for relief." (Citation and internal quotation marks omitted)).

The order appointing Sedano's special counsel for appeal is not a final decision with respect to any cause of action, and the February 12, 2020 judgment is not an appealable final judgment. The record indicates the circuit court has not yet adjudicated any of Ke Noho Kai's multiple causes of action that remain unresolved and pending before the circuit court. Ke

Noho Kai's appeal is premature, and we lack appellate jurisdiction.

Therefore, IT IS HEREBY ORDERED that appellate court case number CAAP-20-0000131 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, June 5, 2020.

/s/ Lisa M. Ginoza  
Chief Judge

/s/ Katherine G. Leonard  
Associate Judge

/s/ Clyde J. Wadsworth  
Associate Judge