

NO. CAAP-20-0000541

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF8 MASTER PARTICIPATION
TRUST, Plaintiff-Appellee, v. MARSHALL CHINEN, ESQ.,
SPECIAL ADMINISTRATOR OF THE ESTATE OF PEARL K. KAHOOKAULANA;
STATE OF HAWAI'I - DEPARTMENT OF HUMAN SERVICES,
Defendants-Appellees, and DEANNA KAHOOKAULANA,
Real Party In Interest-Appellant, and JOHN and MARY DOES 1-20;
DOE PARTNERSHIPS, CORPORATIONS OR OTHER ENTITIES 1-20, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 3CC161000180)

ORDER GRANTING MOTION TO DISMISS APPEAL

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

Upon consideration of Plaintiff-Appellee U.S. Bank Trust, N.A., As Trustee For LSF8 Master Participation Trust's November 3, 2020 "Motion to Dismiss Appellant Deanna Kahookaulana's [(**Kahookaulana**)] Notice of Appeal Filed September 1, 2020" (**Motion to Dismiss**), and the record, it appears we lack appellate jurisdiction over Kahookaulana's appeal from Civil No. 3CC161000180, in the Circuit Court of the Third Circuit.

The appeal is untimely because Kahookaulana did not file her September 1, 2020 notice of appeal within thirty days after entry of the May 11, 2020 Judgment or issuance of the May 11, 2020 Writ of Ejectment, as required by Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1). There is no indication in the record on appeal that the time to file the notice of appeal was extended.

"As a general rule, compliance with the requirement of the timely filing of a notice of appeal is jurisdictional, . . . and we must dismiss an appeal on our motion if we lack jurisdiction." Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995) (citations, internal quotation marks, and brackets omitted); see HRAP Rule 26(b) ("[N]o court or judge or justice is authorized to change the jurisdictional requirements contained in Rule 4 of these rules.").

Therefore, IT IS HEREBY ORDERED that the Motion to Dismiss is granted and the appeal is dismissed for lack of jurisdiction.

DATED: Honolulu, Hawai'i, November 20, 2020.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Keith K. Hiraoka
Associate Judge