

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-20-0000553

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

JIMMY FILOMENO ENOCENCIO, Defendant-Counterclaim
Defendant/Appellant, v.
KAMEHAMEHA SCHOOLS BISHOP ESTATE, AKA: KSBE;
PRESIDENT, OFFICERS, BOARD OF DIRECTORS, TRUSTEES, AND
DOES 1-10 INCLUSIVE; KAMEHAMEHA SCHOOLS-LAND ASSET
DIVISION-HAWAII ISLAND, AKA: KS-LAD-HI NAMELY,
MARISSA HARMON, LEANNE OKAMOTO, ALAPAKI NAHALE'A,
JAIME WONG, DALE FERGUSTROM, TANYA ANDRADE, KA'E'O DUARTE,
NEIL HANNAHS, Defendants-Counterclaimants/Appellees,
and DOES 1-10 INCLUSIVE, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 3CC181000090)

ORDER GRANTING MOTION TO DISMISS APPEAL

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

Upon consideration of the Motion to Dismiss Plaintiff-Appellant's Appeal (**Motion**), filed February 24, 2021, by Defendants-Counterclaimants/Appellees The Trustees of The Estate of Bernice Pauahi Bishop, the papers in support and in opposition, it appears we lack appellate jurisdiction over self-represented Defendant-Counterclaim Defendant/Appellant Jimmy Filomeno Encencio's (**Encencio**) appeal from the Circuit Court of the Third Circuit's July 21, 2020 First Amended Final Judgment (**Amended Judgment**), in Civil No. 3CC181000090, because the appeal is untimely.

Encencio did not file the notice of appeal within thirty days after entry of the Amended Judgment, as required by Hawaii Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1), and it

appears he did not obtain an extension of time. "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) (cleaned up); 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."). Because Encencio did not timely file the notice of appeal, the court lacks appellate jurisdiction.

Accordingly, IT IS HEREBY ORDERED that the Motion is granted and the appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 18, 2021.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge