

NO. CAAP-21-0000496

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN ITS INDIVIDUAL
CAPACITY BUT SOLELY AS CERTIFICATE TRUSTEE OF BOSCO CREDIT II
TRUST SERIES 2010-1, Plaintiff-Appellee, v.
MICHAEL HENRY MARCOL, Defendant-Appellant,
JOHN DOES 1-20; JANE DOES 1-20; DOE CORPORATIONS 1-20;
DOE ENTITIES 1-20; AND DOE GOVERNMENTAL UNITS 1-20,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CASE NO. 2CCV-21-0000161(3))

ORDER GRANTING MOTION TO DISMISS APPEAL

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

Upon consideration of the Motion for Order Dismissing Appeal, filed on January 11, 2022, by Plaintiff-Appellee Wilmington Savings Fund Society, FSB, the papers in support and in opposition, and the record, it appears we lack appellate jurisdiction over self-represented Defendant-Appellant Michael Henry Marcol's (**Marcol**) appeal from the Circuit Court of the Second Circuit's (**circuit court**) August 26, 2021 Order Denying [Marcol]'s 12(b)(6) Motion to Dismiss Complaint for Money Judgment, Filed August 3, 2021 (**Order**) because the circuit court has not entered a final, appealable judgment, and the Order is not independently appealable. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994) (holding that an aggrieved party cannot obtain appellate review of a circuit court's interlocutory orders in a civil case, under Hawaii Revised Statutes (**HRS**) § 641-1(a) (2016), until the

circuit court has reduced its dispositive rulings to an appealable, final judgment under Hawai'i Rules of Civil Procedure Rule 58 or Rule 54(b)); Greer v. Baker, 137 Hawai'i 249, 253, 369 P.3d 832, 836 (2016) (reciting the requirements for appeals under the collateral-order doctrine and the Forgay doctrine); HRS § 641-1(b) (2016) (setting forth the requirements for leave to file an interlocutory appeal).

Therefore, IT IS HEREBY ORDERED that the motion to dismiss is granted and the appeal is dismissed for lack of appellate jurisdiction.

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, February 11, 2022.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge