

**Electronically Filed
Intermediate Court of Appeals
CAAP-21-0000407
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NO. CAAP-21-0000407

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

SCOTT KUROIWA, Plaintiff/Counterclaim Defendant-
Appellant, v. MASAKATSU KATSURA, individually and
as Trustee of the Masakatsu Katsura Revocable
Trust dated August 23, 1994; with full powers to
sell, lease, mortgage and other powers to set
forth in trust agreement; MIEKO KATSURA,
individually and as Trustee of the Mieko Katsura
Revocable Trust dated August 23, 1994; with full
powers to sell, lease, mortgage and other powers
set forth in trust agreement; YMM LLC, a Hawaii
limited liability company, John and Jane Does
1-10; et al., Defendants/Counterclaimants-
Appellees

MASAKATSU KATSURA, individually and as Trustee of the
Masakatsu Katsura Revocable Trust dated August 23,
1994 with full powers to sell, lease, mortgage and
other powers set forth in trust agreement; MIEKO
KATSURA, individually and as Trustee of the Mieko
Katsura Revocable Trust dated August 23, 1994;
with full powers to sell, lease, mortgage and
other powers set forth in trust agreement; YMM
LLC, a Hawaii limited liability company; John and
Jane Does 1-10, et al, Counterclaimants-Appellees,
v. SCOTT KUROIWA, and John Does 1-10, Jane Does
1-10; Doe Partnerships, et al., Counterclaim
Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 5CC18-1-000083)

ORDER DISMISSING APPEAL

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

Upon consideration of the Circuit Court of the Fifth Circuit's (**circuit court**) April 1, 2022 Response to Appellate Order for Temporary Remand; and Stipulation Regarding Order for Temporary Remand, it appears that we lack appellate jurisdiction over self-represented Plaintiff/Counterclaim Defendant-Appellant Scott Kuroiwa's appeal from the circuit court's June 7, 2021 judgment (**Judgment**), resolving Count I of the July 8, 2020 Counterclaim by Defendants/Counterclaimants-Appellees Masakatsu Katsura, Mieko Katsura, and YMM LLC because the Judgment is not final and appealable or independently appealable, see Hawai'i Rules of Civil Procedure (**HRCP**) Rule 54(b); Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 120, 869 P.2d 1334, 1339 (1994); Greer v. Baker, 137 Hawai'i 249, 253, 369 P.3d 832, 836 (2016), HRS § 641-1(b) (2016), and the circuit court has indicated that the parties' remaining claims and counterclaims remain active and there is no just reason to enter a final, appealable judgment under HRCP Rule 54(b) as to Count I of the Counterclaim.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for lack of jurisdiction.

IT IS FURTHER ORDERED that all pending motions or stipulations are dismissed.

DATED: Honolulu, Hawai'i, May 27, 2022.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge