

NO. CAAP-21-0000407

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

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