

NO. CAAP-18-0000363

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

FREE CHURCH OF TONGA-KONA, A HAWAII DOMESTIC NONPROFIT
CORPORATION, Plaintiff-Appellee,

v.

MR. KELIIHULUHULU; MS. KELIIHULUHULU; ANYONE CLAIMING BY,
THROUGH, OR UNDER MR. KELIIHULUHULU OR MS. KELIIHULUHULU; AND ALL
OCCUPANTS OF THE PROPERTY LOCATED AT 73-4303-A HAWAII BELT ROAD,
TMK (3) 7-3-004-006, Defendants-Appellants

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH KONA DIVISION
(CASE NO. 3RC18100089K)

SUMMARY DISPOSITION ORDER

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

Self-represented litigant Keliihuluhulu Alfred **Spinney** appeals from the "Judgment for Possession" entered by the District Court of the Third Circuit, North and South Kona Division, on April 10, 2018.¹ We conclude that we lack jurisdiction, and dismiss this appeal.

On March 20, 2018, Plaintiff-Appellee **Free Church** of Tonga-Kona filed a complaint against "Mr. Keliihuluhulu; Ms. Keliihuluhulu; anyone claiming by, through, or under Mr. Keliihuluhulu or Ms. Keliihuluhulu; and all occupants of the **Property** located at 73-4303-A Hawaii Belt Road, TMK (3)7-3-004-

¹ The Honorable Margaret K. Masunaga presided.

006; [and] Doe Defendants[.]" Free Church alleged that it owned the Property; Mr. Keliihuluhulu and Ms. Keliihuluhulu were occupying the Property; Free Church had not given any person the right to occupy the Property; and Mr. Keliihuluhulu, Ms. Keliihuluhulu, and "[a]nyone occupying or possessing or located on or within the Subject Property should be deemed a trespasser[.]" The complaint pleaded three counts: (1) Trespass and Ejectment; (2) Summary Possession; and (3) Damages.

According to returns of service filed with the district court, Mr. Keliihuluhulu and Ms. Keliihuluhulu were served with the complaint and summons on March 27, 2018, by Richard **Ramirez**. The summons directed Mr. Keliihuluhulu and Ms. Keliihuluhulu to appear at district court on April 3, 2018.

Free Church appeared for the April 3, 2018 hearing through counsel. Spinney also attended the hearing. When the district court asked his name, Spinney replied: "I'm Keliihuluhulu Alfred Spinney." Spinney claimed to not have any form of identification with him. The district court judge stated: "I'm looking for Mr. Keliihuluhulu served on March 27, 2018." Spinney replied, "No, I am Keliihuluhulu, I can --[.]"

No one else appeared for the return. The district court noted that Spinney – with whom the district court judge was apparently familiar – was not an attorney, and orally granted Free Church's request for a writ of possession and judgment of possession. The Judgment for Possession was entered on April 10, 2018.

Spinney filed a notice of appeal on April 26, 2018. The notice stated: "I am Keliihuluhulu: Alfred Spinney." He claimed that the district court did not have jurisdiction over him because Ramirez never served him with the complaint. The persons against whom the Judgment for Possession was entered were the persons who were served – by Ramirez – with Free Church's complaint and summons on March 27, 2018. Not Spinney. He was not a party to the lawsuit below when the Judgment for Possession

was entered.² He lacks standing to appeal. See Kepo'o v. Watson, 87 Hawai'i 91, 95, 952 P.2d 379, 383 (1998) ("Generally, the requirements of standing to appeal are: (1) the person must first have been a party to the action; (2) the person seeking modification of the order or judgment must have had standing to oppose it in the trial court; and (3) such person must be aggrieved by the ruling, i.e., the person must be one who is affected or prejudiced by the appealable order.") (cleaned up). Accordingly, this appeal is dismissed for lack of appellate jurisdiction.

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

On the briefs:

Keliihuluhulu Alfred Spinney,
Self-represented litigant.

/s/ Keith K. Hiraoka
Presiding Judge

Robert D. Triantos,
Michelle Chi Dickinson,
for Plaintiff-Appellee.

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge

² The record indicates that Spinney was identified as Doe Defendant No. 1 on June 8, 2018, after the Judgment for Possession was entered.