

**Electronically Filed
Intermediate Court of Appeals
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NOS. CAAP-22-0000393 AND CAAP-22-0000510

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

AERICA CATES, individually and as Guardian Prochien Ami
for JANE DOE, a minor, Plaintiffs-Appellants, v.
STATE OF HAWAII; NICK PRIETO, Defendants-Appellees, and
JOHN DOES 1-10, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 5CC181000124)

ORDER (1) DISMISSING APPEAL IN CAAP-22-0000393 AND
(2) DENYING MOTION TO CONSOLIDATE APPEALS IN CAAP-22-0000510
(By: Leonard, Presiding Judge, Nakasone and Chan, JJ.)

Upon consideration of Plaintiff-Appellant AERICA
Cates's (**Cates**) October 20, 2022 "Motion to Consolidate Appeals
in CAAP-22-393 and CAAP-22-510" (**Motion**), filed in case numbers
CAAP-22-0000393 and CAAP-22-0000510, the papers in support, and
the record in case numbers CAAP-22-0000393 and CAAP-22-0000510,
it appears that:

(1) Cates seeks to consolidate the appeals in case
numbers CAAP-22-0000393 and CAAP-22-0000510;

(2) In case number CAAP-22-0000393, Cates appeals from
the Circuit Court of the Fifth Circuit's (**Circuit Court**) May 27,
2022 "Order Granting Defendant State of Hawaii's Motion for
Summary Judgment, Filed on April 4, 2022" (**MSJ Order**);

(3) Thereafter, the Circuit Court clerk filed a Clerk's
Taxation of Costs (**Clerk's Taxation**) in favor of Defendant-
Appellee State of Hawaii (**State**) and against Cates pursuant to
Hawaii Rules of Civil Procedure (**HRCP**) Rule 54(d)(1), and the
Circuit Court entered judgment (**Judgment**) in favor of the State

and against Cates, in accordance with the MSJ Order and the Clerk's Taxation, which further dismissed all remaining claims;

(4) In case number CAAP-22-0000510, Cates appeals from the MSJ Order, Clerk's Taxation, and Judgment. The Judgment is a final, appealable judgment, HRCF Rule 58, Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994), and the notice of appeal filed in CAAP-22-0000510 was timely, Hawai'i Rules of Appellate Procedure Rule 4(a)(1); and

(5) Therefore, the appeal in case number CAAP-22-0000393 is duplicative and unnecessary, as the court will review all prior interlocutory orders, including the MSJ Order, when it considers the appeal in case number CAAP-22-0000510 on the merits. Ueoka v. Szymanski, 107 Hawai'i 386, 396, 114 P.3d 892, 902 (2005). Accordingly, the court will *sua sponte* dismiss the appeal in case number CAAP-22-0000393, making the requests for consolidation moot. Ogeone v. Au, No. CAAP-18-0000190, 2019 WL 972542, at *1 (App. Feb. 27, 2019) (Order).

Therefore, IT IS HEREBY ORDERED that the appeal in case number CAAP-22-0000393 is dismissed as unnecessary, and all pending motions in CAAP-22-0000393 are dismissed as moot.

IT IS FURTHER ORDERED that the Motion filed in CAAP-22-0000510 is denied as moot.

IT IS FURTHER ORDERED that the appellate clerk shall file this order in case numbers CAAP-22-0000393 and CAAP-22-0000510.

DATED: Honolulu, Hawai'i, November 7, 2022.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge