

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