

NO. CAAP-22-0000355

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE POOLING AND SERVICING AGREEMENT DATED AS OF NOVEMBER 1, 2006 SECURITIZED ASSET BACKED RECEIVABLES LLC TRUST 2006-FR4, Plaintiff-Appellee,
v. LORI J. HAWTHORNE, fka LORI J. BAUER, aka LORI S. BAUER, Defendant-Appellee, and LANI PACIFIC, Defendant-Appellant, and DOES 1 through 20, inclusive, Defendants

LANI PACIFIC, a registered business entity, Plaintiff-Appellant,
v. DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE POOLING AND SERVICING AGREEMENT DATED AS OF NOVEMBER 1, 2006 SECURITIZED ASSET BACKED RECEIVABLES LLC TRUST 2006-FR4, Defendant-Appellee, and DOES 1 through 20, inclusive, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NOS. 3CC19100014K and 3CCV-20-0000212 (consolidated))

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Leonard, Presiding Judge, Hiraoka and Chan, JJ.)

Upon review of the record, it appears that we lack appellate jurisdiction over self-represented Defendant-Appellant Lani Pacific's (**Lani Pacific**) appeal from the Circuit Court of the Third Circuit's (**Circuit Court**) April 22, 2022 "Order Denying Defendant Lani Pacific's Emergency Ex Parte Motion for Temporary Injunction Filed April 11, 2022" (**Denial Order**) because the Circuit Court has not entered a final, appealable order or judgment. See Hawaii Revised Statutes (**HRS**) § 641-1(a) (2016); Hawaii Rules of Civil Procedure Rules 54(b), 58; Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

Further, the Denial Order is not independently appealable under the collateral-order doctrine, the Forgay¹ doctrine, or HRS § 641-1(b). See Greer v. Baker, 137 Hawai'i 249, 253, 369 P.3d 832, 836 (2016) (setting forth the requirements for appealability under the collateral-order doctrine and the Forgay doctrine); HRS § 641-1(b) (specifying requirements for leave to file interlocutory appeal); see also Freddy Nobriga Enter., Inc. v. State Dep't of Hawaiian Home Lands, No. 27358, 2005 WL 2334381, at *1 (Haw. Sept. 22, 2005) (Order Dismissing Appeal).

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

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, December 22, 2022.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge

¹ Forgay v. Conrad, 47 U.S. 201 (1848).