

NO. CAAP-22-0000591

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

ESTATE OF VIVIAN T. LORD, by her PERSONAL REPRESENTATIVE WILLIAM H. GILLIAM, and WILLIAM H. GILLIAM individually, Plaintiffs-Appellants, v. LESLIE KOBATA, REGISTRAR, in his Official Capacity Only; PORTER McGUIRE KIAKONA & CHOW, LLP; PORTER McGUIRE KIAKONA, LLP; FOREST B. JENKINS; CHANG NISHIOT SIA NAKAMURA GOYA; JEFFREY H.K. SIA; DOROTHY P.H. MEISNER; SHANA MAGUIRE; HAWAII FIRST, INC. AND ASSOCIA, INC., dba ASSOCIA HAWAII; ASSOCIATION OF APARTMENT OWNERS OF KUHIO SHORES AT POIPU, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-22-0000508)

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

Upon review of the record, it appears that self-represented Plaintiffs-Appellants Vivian T. Lord, by Her Personal Representative William H. Gilliam, and William H. Gilliam, individually appeal from the Circuit Court of the First Circuit's (**circuit court**) (**a**) September 7, 2022 "Order Granting (1) Defendants Hawaii First, Inc., and Certified Management Inc. dba Associa, Inc. (Incorrectly Identified as Associa, Inc. dba Associa Hawaii)'s Motion to Dismiss[,]" (2) Defendant Association of Apartment Owners of Kuhio Shores at Poipu's Substantive Joinder to Motion to Dismiss[,]" (3) Defendants Porter McGuire Kiakona & Chow, LLP and Porter McGuire Kiakona, LLP's Substantive Joinder to Motion to Dismiss" and (**b**) September 26, 2022 "Order Granting (1) Defendants Porter McGuire Kiakona & Chow, LLP and Porter McGuire Kiakona, LLP's Motion to Declare Plaintiff

William H. Gilliam a Vexatious Litigant Filed August 2, 2022 [dkt. no. 120] (the 'Motion'); (2) Defendants Hawaii First, Inc., and Certified Management Inc. dba Associa, Inc. (Incorrectly Identified as Associa, Inc. dba Associa Hawaii)'s Substantive Joinder to Motion Filed August 10, 2022 [dkt. no. 136]; and (3) Defendant Association of Apartment Owners of Kuhio Shores at Poipu's Substantive Joinder to Motion Filed August 12, 2022 [dkt. no. 158]."

However, we lack jurisdiction over this appeal because the circuit court has not entered a final, appealable order or judgment. See Hawaii Revised Statutes (**HRS**) § 641-1(a) (2016); Hawai'i 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 orders appealed from are 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, e.g., Yamauchi v. Middleton, No. CAAP-15-0000070, 2015 WL 2164599, at *1 (App. May 5, 2015) (Order Dismissing Appeal).

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

DATED: Honolulu, Hawai'i, December 19, 2022.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge

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