

NO. CAAP-23-0000025

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

LONNELL REGINALD WIDEMANN, Plaintiff-Appellant, v.
HAWAII PAROLING AUTHORITY; DAVID IGE; NEIL ABERCROMBIE;
NOLAN ESPINDA; TED SAKAI; PHYLLIS HIRONAKA; TOMMY JOHNSON;
EDMUND HUYN; FITUINA TUA; MAX OTANI; CLAYTON HEE; CHERYL INOUYE;
GENE DEMELLO, JR.; MILTON KOTSUBO; CAROL MATAYOSHI; BERT MASUOKA;
JOYCE HOSHIJO; MICHAEL TOWNE; DAVID FUJISHIRO; KEVIN REGO;
TODD THOMAS; SEAN ORNELLAS; FRANCIS SEQUIERA;
HONOLULU POLICE DEPARTMENT; HONOLULU STAR ADVERTISER;
KHON 2; KITV 4; KFVE 5; KHNL 8; KGMB 9, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-21-0000419)

ORDER GRANTING MOTION TO DISMISS APPEAL
(By: Wadsworth, Presiding Judge, Nakasone and Chan, JJ.)

Upon consideration of "[Defendant-Appellee] Nexstar Media Inc., Misidentified as KHON 2's [(**Nexstar**)] Motion to Dismiss Appeal for Lack of Appellate Jurisdiction," filed January 31, 2023 (**Motion**), the papers in support and in opposition, and the record, it appears that Nexstar asks the court to dismiss self-represented Plaintiff-Appellant Lonnell R. Widemann's (**Widemann**) appeal from the "Order Denying Plaintiff's Motion to Amend Complaint [Dkt. 123] Filed July 18, 2022" (**Denial Order**), "Order Granting [Nexstar]'s Motion to Dismiss Complaint, as Amended, or in the Alternative, for Summary Judgment on Any and All Claims Asserted against KHON 2 [Dkt. 115] Filed July 8, 2022" (**Dismissal Order**), and Minute Order denying Widemann's request for reconsideration of the Denial Order and Dismissal Order (**Minute Order**), each entered January 10, 2023 in the

Circuit Court of the First Circuit (**Circuit Court**), as the orders appealed from are not final, appealable orders.

We conclude that the court lacks appellate jurisdiction because the Denial Order, Dismissal Order, and Minute Order are not final, appealable orders, and the Circuit Court has not otherwise entered a final, appealable order or judgment in the underlying case. 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); Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 321, 966 P.2d 631, 633 (1998). 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).

Accordingly, IT IS HEREBY ORDERED that the Motion is granted and this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, February 23, 2023.

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge

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