

NO. CAAP-23-0000077

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

YUKI GLEASON, Petitioner-Appellant, v.
ADMINISTRATIVE DIRECTOR OF THE COURTS, Respondent-Appellee

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CASE NO. 1DAA-22-00010)

ORDER DISMISSING APPEAL

(By: Wadsworth, Presiding Judge, Nakasone and Chan, JJ.)

Upon review of the record, it appears that:

1. On January 12, 2023, the District Court of the First Circuit, Honolulu Division (**District Court**) entered a Notice of Entry of Judgment and/or Order and Plea/Judgment (**Notice**) in Case No. 1DAA-22-00010. The Notice affirms the August 5, 2022 Notice of Administrative Review Decision (**Revocation**), entered by the Administrative Driver's License Revocation Office, which sustained the revocation of Petitioner-Appellant Yuki Gleason's (**Gleason**) driver's license.

2. On January 31, 2023, the District Court entered, *inter alia*, a "Decision and Order Affirming Administrative Revocation" (**Written Order**), which contains the District Court's findings of fact and conclusions of law (**FOFs and COLs**) and purports to affirm the Revocation, and a corresponding "Judgment

on Appeal" (**Judgment**), which purports to enter a judgment as to the Written Order.

3. On February 2, 2023, Gleason filed a Notice of Appeal from the Notice, creating Case No. CAAP-23-0000049.

4. On February 16, 2023, Gleason filed a Notice of Appeal from the Written Order, creating this appeal, Case No. CAAP-23-0000077.

5. The Notice is the operative final judgment in Case No. 1DAA-22-00010, as it affirms the Revocation, and thereby ends the proceedings, leaving nothing further to be accomplished. Hawaii Revised Statutes § 641-1(a) (2016); Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 426, 984 P.2d 1251, 1252 (1999). Though the Written Order also purports to affirm the Revocation, entry of the Judgment does not trigger a new period for appealing. Casumpang, 91 Hawai'i at 426, 984 P.2d at 1252; Lotenschtein v. Stoebner Holdings, Inc., No. 26043, 2004 WL 1080215, at *1 (Haw. May 12, 2004) (Dismissal Order); Cannoles v. Teach for Am. Agent, No. CAAP-19-0000414, 2019 WL 4391234, at *1 (App. Sept. 13, 2019) (Dismissal Order).

6. Gleason timely appealed from the Notice in Case No. CAAP-23-0000049; therefore, the court has jurisdiction in that appeal. Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1).

7. Despite that Gleason now purports to appeal from the Written Order, the time to appeal runs from entry of the Notice; thus, the instant appeal is untimely. HRAP Rule 4(a)(1); Grattafiori v. State, 79 Hawaii 10, 13, 897 P.2d 937, 940 (1995).

8. We construe the Written Order as the District Court's separately stated FOFs and COLs, entered pursuant to Rule 52(a) of the District Court Rules of Civil Procedure (**DCRCP**). Gleason's appeal in Case No. CAAP-23-0000049 already brings up for review said FOFs and COLs, per DCRCP Rule 52(a); accordingly, the instant appeal is duplicative of the appeal in Case No. CAAP-23-0000049, and thus, superfluous.

Therefore, IT IS HEREBY ORDERED that Case No. CAAP-23-0000077 is dismissed.

DATED: Honolulu, Hawai'i, February 24, 2023.

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge