

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-23-0000283

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

HAWAIIAN RANCHOS ROAD MAINTENANCE CORPORATION,
a Hawaii corporation, Plaintiff-Appellee, v.
GORDON FREDRICK SCHICK, Defendant-Appellee, and
MATHILDA NOILANI MASON, Defendant-Appellant,
and JOHN DOES 1-10; JANE DOES 1-10; DOE ENTITIES 1-10,
and DOE GOVERNMENTAL UNITS 1-10, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CASE NO. 3CCV-22-0000298)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Ginoza, Chief Judge, Wadsworth and Chan, JJ.)

Upon review of the record, it appears that self-represented Defendant-Appellant Mathilda Noilani Mason appeals from the Circuit Court of the Third Circuit's (**circuit court**) April 5, 2023 "Order Granting Entry of Default of Defendants Gordon Schick and Mathilda Noilani Mason Regarding Service by Publication of Summons" (**Default Order**), which entered default only as to Defendant Gordon Schick.

The court lacks jurisdiction over the appeal because the circuit court has not entered a final, appealable order or judgment. See Hawai'i 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 Default 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).

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, May 12, 2023.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge

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