

NO. CAAP-23-0000458

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

DOUGLAS HIRANO, Plaintiff-Appellant, v.
KATE McCCLORY; SAND ISLAND TREATMENT CENTER; AT&T WIRELESS;
RANDY COOK; HOLIDAY INN HOTEL; WHITE SANDS HOTEL;
SAND VILLA HOTEL; COCONUT WAIKIKI HOTEL; OHANA MALIA HOTEL,
Defendants-Appellees, and
JOHN DOES 1-200; JANE ROES 1-100, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-21-0001124)

ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION

(By: Leonard, Presiding Judge, Nakasone and McCullen, JJ.)

Upon review of the record, it appears that self-represented Plaintiff-Appellant Douglas Hirano (**Hirano**) appeals from the following orders entered in the Circuit Court of the First Circuit (**circuit court**): the December 3, 2021 "Order Granting Defendant Holiday Inn Express Waikiki (Erroneously Identified as Holiday Inn Hotel)'s Motion for Summary Judgment as to All Claims Filed October 21, 2021"; the December 28, 2021 "Order Granting Defendant Waikiki Malia by Outrigger's Motion for Judgment on the Pleadings Filed November 12, 2021 (JEFS DKT No. 53)"; the May 6, 2022 "Order Granting Defendant Sand Villa Hotel's Motion to Dismiss Pursuant to Rule 12(b)(6)"; the May 10, 2022 "Order Granting Defendant White Sands Hotel's Motion to Dismiss Pursuant to Rule 12(b)(6) Filed on 12/15/21"; and the May 18, 2022 "Order Granting Defendant AT&T Mobility LLC's (erroneously identified as AT&T Wireless) Motion for Summary Judgment as to all Claims."

The court lacks jurisdiction over the appeal because Defendants-Appellees Kate McClory and Randy Cook's August 16, 2022 Notice of Removal of Civil Action to the United States District Court of the District of Hawai'i divested the circuit court of jurisdiction. As the Supreme Court of Hawai'i has explained, "after removal, a federal court acquires full and exclusive jurisdiction over the litigation" and "it is not divested of jurisdiction until the proper procedures for remanding the case have been followed." Mathewson v. Aloha Airlines, Inc., 82 Hawai'i 57, 70, 919 P.2d 969, 982 (1996) (citation, brackets and internal quotation marks omitted). "[I]n order to divest a federal court of jurisdiction over a state court matter that has been removed to it . . . no more is required than that the federal court clerk mail a certified remand order to the state court clerk[.]" Id. at 73, 919 P.2d at 985. The underlying record does not contain a remand order. Accordingly, Hirano's August 1, 2023 notice of appeal is void.

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

DATED: Honolulu, Hawai'i, August 16, 2023.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge