

NO. CAAP-23-0000466

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

C.C., Plaintiff-Appellant, v.
J.S., Defendant-Appellee

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(CASE NO. 2FDV-23-0000040)

ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION

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

Upon review of the record, it appears that:

(1) On July 17, 2023 Self-represented Plaintiff-Appellant C.C. (**C.C.**) filed a Notice of Appeal (**NA**) that appeals from the Family Court of the Second Circuit's (**Family Court**): June 10, 2023 "Order Denying Pro Se Plaintiff's Motion for Haw. Fam. Ct. R. 52 and Rule 59 Relief, Re: May 23, 2023; and for Sanctions"; June 19, 2023 minute order granting Defendant-Appellee JS's May 22, 2023 "Ex Parte Petition for HRS 580-10(d) Restraining Order," which was subsequently memorialized in the June 29, 2023 "Amended HRS 580-10(d) Restraining Order"; June 19, 2023 minute order temporarily restricting C.C.'s access to the Judiciary Electronic Filing System; and June 19, 2023 minute order denying C.C.'s May 22, 2023 "Pro Se Plaintiff's Motion to Transfer."

(2) Later that same day, C.C. filed an Amended Notice of Appeal (**AMNA**) purporting to amend the NA to also appeal from the Family Court's July 17, 2023 minute order denying her July 10, 2023 "Motion to Recuse or for Disqualification," which was subsequently memorialized in the August 21, 2023 "Order Regarding Hearing on Order to Show Cause" (**8/31/23 Order**).

(3) On September 14, 2023, C.C. filed a motion to, among other things, file a second amended notice of appeal (**Motion for Second AMNA**) to also appeal from the 8/31/23 Order, but only to the degree it memorializes the July 17, 2023 minute order declining to deem C.C. vexatious and the July 17, 2023 minute order requiring C.C. to "participate with a continuous alcohol monitoring device."

(4) Though a minute order is not an appealable order, Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 321 n.3, 966 P.2d 631, 633 n.3 (1998), a trial court's failure to reduce a minute order to a written order is not, in itself, grounds for dismissal for lack of jurisdiction. See Waikiki v. Ho'omaka Village Ass'n of Apt. Owners, 140 Hawai'i 197, 204, 398 P.3d 786, 793 (2017).

(5) Nonetheless, we conclude that the court lacks appellate jurisdiction because the Family Court has not entered a final, appealable decree, order, or judgment. See Hawaii Revised Statutes (HRS) § 571-54 (2018); Eaton v. Eaton, 7 Haw. App. 111, 118-19, 748 P.2d 801, 805 (1987). Moreover, none of the orders or minute orders identified in the NA, the AMNA, or the Motion for Second AMNA has been authorized for interlocutory appeal under HRS § 641-1(b) (2016) or are otherwise independently

appealable under the collateral-order doctrine or the Forgay doctrine. 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).

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.

IT IS FURTHER ORDERED that the appellate clerk shall serve a copy of this order on the clerk of the Family Court.

DATED: Honolulu, Hawai'i, September 28, 2023.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge