

**Electronically Filed
Intermediate Court of Appeals
CAAP-23-0000570
20-OCT-2023
08:06 AM
Dkt. 15 ODSLJ**

NO. CAAP-23-0000570

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

MARK FUKUDA, Plaintiff-Appellant, v.
DR. WILLIAM WONG, SR., individually and as President & CEO of
HAWAII DERMATOLOGY & SURGERY, INC.;
HAWAII DERMATOLOGY & SURGERY, INC., Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-21-0000634)

ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION
(By: Leonard, Presiding Judge, McCullen and Guidry, JJ.)

Upon review of the record, it appears that self-represented Plaintiff-Appellant Mark Fukuda (**Fukuda**) appeals from the June 23, 2023 Final Judgment entered by the Circuit Court of the First Circuit. Fukuda filed his October 10, 2023 notice of appeal more than 30 days after entry of the Final Judgment, which is outside of the deadline set forth in Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1). The record does not indicate that Fukuda received an extension of time to appeal under HRAP Rule 4(a)(4), or that the deadline was otherwise tolled by a timely-filed post-judgment motion under HRAP Rule 4(a)(3). Compliance with the requirement of timely filing a notice of appeal is jurisdictional. Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995); see also Hawai'i Rules of Civil Procedure Rule 77(d) ("Lack of notice of the entry [of a judgment] by the clerk or failure to make such service does not affect the time to appeal or relieve or authorize the court to

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relieve a party for failure to appeal within the time allowed[.]").

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

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, October 20, 2023.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge