

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-23-0000698

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

TIMOTHY WILLIAMS,
Plaintiff/Counterclaim Defendant-Appellant, v.
COSTCO WHOLESALE CORPORATION,
Defendant/Counterclaimant-Appellee

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
SOUTH KOHALA DIVISION
(CASE NO. 3DSC-23-0000009)

ORDER GRANTING IN PART MOTION TO DISMISS APPEAL

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

Upon consideration of Defendant-Appellee Costco Wholesale Corporation's (**Costco**) January 8, 2024 motion to dismiss self-represented Plaintiff-Appellant Pastor Timothy Williams's (**Williams**) appeal filed November 29, 2023 (**Motion**), the papers in support and in opposition,¹ and the record, it appears that:

(1) Williams appeals from an October 26, 2023 oral order of the Hawai'i District Court, Third Circuit, Small Claims Division dismissing his claims;

(2) Costco asks the court to dismiss Williams's appeal for lack of jurisdiction, to suspend all appellate deadlines, and

¹ Though Williams' January 16, 2024 memorandum in opposition to the Motion and January 18, 2024 supporting declaration were untimely filed under Hawai'i Rules of Appellate Procedure Rules 26(a) and 27(a), the court considers the arguments therein, as self-represented litigants should not be automatically foreclosed from appellate review because they fail to comply with court rules. Erum v. Llego, 147 Hawai'i 368, 380-81, 465 P.3d 815, 827-28 (2020).

to grant an award for attorney's fees and costs in bringing the Motion; and

(3) Appeals are not permitted from a judgment of the small claims division. Hawaii Revised Statutes § 633-28(a) (2016); see also Rule 12(b), Rules of the Small Claims Division of the District Courts.

Therefore, IT IS HEREBY ORDERED that the Motion is granted in part and denied in part as follows:

1. The appeal is dismissed for lack of jurisdiction.
2. All other requested relief is denied.

DATED: Honolulu, Hawai'i, February 7, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge