

**Electronically Filed
Intermediate Court of Appeals
CAAP-24-0000016
02-FEB-2024
08:10 AM
Dkt. 10 ODSLJ**

NO. CAAP-24-0000016

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

MARK MALAGODI and JANET JOHNSTON,
Plaintiffs/Counterclaim Defendants-Appellees, v.
CAMERON E. NICE and MARTHA J. JACOBSEN,
aka MARTHA J. JACOBSEN-NICE,
Defendants/Counterclaimants-Appellants, and
AMERICAN SAVINGS BANK, F.S.B.,
a Federal Savings Bank, Defendant-Appellee, and
JOHN DOES 1-20; JANE DOES 1-20; DOE PARTNERSHIPS 1-20;
DOE CORPORATIONS 1-20; and DOE ENTITIES 1-20, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 5CCV-22-0000027)

ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION

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

Upon review of the record, it appears that self-represented Defendants/Counterclaimants-Appellants Cameron E. Nice and Martha J. Jacobsen, AKA Martha J. Jacobsen-Nice (**Nice Parties**) appeal from the Circuit Court of the Fifth Circuit's April 17, 2023 "Order Approving Plaintiffs' Attorneys Fees and Costs Incurred up to and Including Motion for Summary Judgment" and October 11, 2023 "Order Granting Plaintiffs' Motion for Award of Costs and Fees Filed on September 14, 2023." We conclude that the court lacks jurisdiction because the circuit court has not yet entered a final, appealable judgment. See Hawaii Revised Statutes § 641-1(a) (2016); Hawai'i Rules of Civil Procedure

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

Rules 54(b), 58; Jenkins v. Cades Schutte Fleming & Wright, 76
Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

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, February 2, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge