

**Electronically Filed
Intermediate Court of Appeals
CAAP-24-0000275
11-OCT-2024
08:30 AM
Dkt. 94 OGMD**

NO. CAAP-24-0000275

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

HYE JA CHOI, Plaintiff-Appellant, v.
KOREAN CHRISTIAN CHURCH; REX KIM; IRIS KIM; DANIEL CHANG;
DIANA CHANG; ANNA KIM; JOSEPH KIM; SONG K. (KUN) CHOI; KRIS CHOO;
MI KYEONG KIM; SUN YOUNG KIM; NAOMI LIM; HUNG JA KWAK;
SUNG OK KIM; ESTHER KWON; SYLVIA GILLESPIE; JIN YU; SERA SUNG;
MYOUNG STEMPIN; SOO JIN CHIKASUYE; YOUNG AE HAN; HANNAH CHANG,
Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-22-0001662)

ORDER GRANTING MOTION TO DISMISS APPEAL

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

Upon consideration of Defendants-Appellees Korean Christian Church and Rex Kim's (together, **Appellees**) September 27, 2024 Motion to Dismiss Appeal for Lack of Jurisdiction, the papers in support and in opposition, and the record, it appears that Appellees seek dismissal of the appeal filed by self-represented Plaintiff-Appellant Hye Ja Choi from the Circuit Court of the First Circuit's March 22, 2024 Order Granting [Appellees'] Motion for Summary Judgment and for Judgment on the Pleadings [Dkt. 251] (**March 22, 2024 Order**) on the basis that the court lacks appellate jurisdiction.

The record reflects that the Circuit Court has not entered a final, appealable decree, order, or judgment. Hawaii Revised Statutes (**HRS**) § 641-1(a) (2016); Hawai'i Rules of Civil Procedure (**HRCP**) Rules 58, 54(b); Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338

(1994). Though the March 22, 2024 Order could be certified for appeal in an HRCP Rule 54(b) judgment, the Circuit Court has not entered such a judgment or expressed any intent to do so. Further, the March 22, 2024 Order is not independently appealable under the collateral-order or Forgay¹ doctrines, and the Circuit Court has not granted leave for an interlocutory appeal under HRS § 641-1(b). 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); HRS § 641-1(b) (specifying requirements for leave to file interlocutory appeal).

Therefore, IT IS HEREBY ORDERED that Appellees' motion is granted and the appeal is dismissed for lack of appellate jurisdiction.

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, October 11, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge

¹ Forgay v. Conrad, 47 U.S. 201 (1848).