

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-25-0000043

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

DAMON VAN DEUSEN and CORRINA VAN DEUSEN,
as and/or for Co-Trustees of the Dirk Edward Van Deusen Trust,
Plaintiffs-Appellees, v.
CASSIE LUND and LAEL WILSON, Defendants-Appellants

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
KONA DIVISION
(CASE NO. 3DRC-24-0002236)

ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION

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

On January 23, 2025, self-represented Defendants-Appellants Cassie Lund and Wilson Lael (together, **Tenants**) filed a Notice of Appeal from the "Order Granting Plaintiff's Oral Motion for a Rent Trust Fund."

Tenants' Notice of Appeal does not comply with Hawai'i Rules of Appellate Procedure Rule 3(c)(2) because it does not attach a copy of the order being appealed from.

We take judicial notice under Rule 201 of the Hawai'i Rules of Evidence that on November 29, 2024, the District Court of the Third Circuit, Kona Division (**district court**), entered an Order Granting Plaintiff's Oral Motion for a Rent Trust Fund (**Rent Trust Fund Order**). The Rent Trust Fund Order directs Tenants to deposit the sum of \$3,500.00 with the Clerk of the Court on the first day of each month "until this case is disposed [of] by this Court."

We also take judicial notice that the district court started trial on December 17, 2024, resumed trial on December 23, 2024, and ordered the parties to return for further trial on January 29, 2025 on Plaintiffs-Appellees Damon Van Duesen and Corrina Van Deusen, as and/or for Co-Trustees of the Dirk Edward Van Deusen Trust's October 11, 2024 Complaint for Summary Possession.

Hawaii Revised Statutes § 641-1(a) (2016) permits appeals in civil matters from all final judgments, orders, or decrees of the district courts. The Rent Trust Fund Order which Tenants appeal from is not a final appealable order.

Therefore, IT IS HEREBY ORDERED that this appeal is dismissed for lack of jurisdiction. All pending motions, including Tenants' January 27, 2025 Motion for Stay Pending Appeal, are dismissed.

DATED: Honolulu, Hawai'i, January 31, 2025.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge