

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-24-0000695

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

JARED JAMES, Plaintiff-Appellant, v.
PATRICK J. O'DONNELL, M.D.; SUSAN TAN, M.D.;
SELENA PETERS, M.D.; MERLA TAKENAKA, RN;
KAPIOLANI MEDICAL SPECIALISTS;
KAPIOLANI MEDICAL CENTER FOR WOMEN AND CHILDREN;
HAWAII PACIFIC HEALTH, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-21-0000683)

ORDER GRANTING MOTION TO DISMISS APPEAL

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

Upon consideration of Defendants-Appellees Merla Takenaka RN, Kapiolani Medical Center for Women and Children, Hawaii Pacific Health, Selena Peters, M.D., Patrick J. O'Donnell, M.D., Susan Tan, M.D., and Kapiolani Medical Specialists' (collectively, **Appellees**) Joint Motion to Dismiss, filed December 18, 2024 (**Motion**), 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 Jared James (**James**) for lack of jurisdiction. James appeals from the Circuit Court of the First Circuit's "Order Denying Plaintiff's Motion for Leave to File Second Amended Complaint" and "Order Denying Plaintiff's Application for Default Judgment [Dkt. No. 110]," entered on August 23, 2024, and its "Order Denying Plaintiff Jared James' Motion for Declaratory Judgment; in the Alternative Motion for Judgment on the Pleadings, Filed on July 2, 2024 [Dkt. 98]," entered on September 24, 2024.

The court lacks appellate jurisdiction because the Circuit Court has not entered a final, appealable order or judgment, see Hawai'i Revised Statutes (**HRS**) § 641-1(a) (2016); Hawai'i Rules of Civil Procedure Rules 54(b), 58; Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994), and the orders appealed-from are not independently appealable under the collateral-order or Forgay¹ doctrines, nor has the Circuit Court 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 the Motion is granted, and the appeal is dismissed for lack of jurisdiction.

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, February 4, 2025.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge

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