

**Electronically Filed
Intermediate Court of Appeals
CAAP-24-0000409
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Dkt. 63 ODSLJ**

NO. CAAP-24-0000409

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

TONY HAWAII, LLC, dba TONY HONDA, a Hawaii
Limited Liability Company, Plaintiff-Appellee, v.
YVETTE LEILANI MOORE, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
'EWA DIVISION
(CASE NO. 1DRC-23-0006297)

ORDER DISMISSING APPEAL

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

Upon review of the **Motion to Dismiss Appeal** filed by Plaintiff-Appellee **Tony Hawaii**, LLC on August 27, 2024, the papers in support, the response filed by Defendant-Appellant Yvette Leilani **Moore** on September 25, 2024, and the record, it appears that:

1. Tony Hawaii filed its **Complaint** against Moore on September 15, 2023;
2. Moore filed her **Counterclaim** against Tony Hawaii on January 12, 2024;
3. Trial was held by the District Court of the First Circuit, 'Ewa Division on March 7, 2024;¹
4. The district court entered its Findings of Fact, Conclusions of Law, and **Order** on April 10, 2024;

¹ The Honorable Thomas A.K. Haia presided.

5. The Order determined and directed that the Order be entered as a final judgment;

6. The Order was final and appealable, Hawai'i District Court Rules of Civil Procedure Rule 58; Casumpang v. ILWU, Loc. 142, 91 Hawai'i 425, 427, 984 P.2d 1251, 1253 (1999);

7. Hawai'i Rules of Appellate Procedure Rule 4(a)(1) requires that a notice of appeal in a civil case be "filed within 30 days after entry of the judgment or appealable order";

8. Moore's notice of appeal from the Order was due on May 10, 2024;

9. Moore filed her notice of appeal on May 30, 2024; and

10. Moore's notice of appeal was untimely.

Therefore, IT IS HEREBY ORDERED that the Motion to Dismiss Appeal is granted and this appeal is dismissed for lack of jurisdiction.

IT IS HEREBY FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, April 23, 2025.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge