

Electronically Filed
Intermediate Court of Appeals
CAAP-23-0000690
05-MAY-2025
08:03 AM
Dkt. 73 ODSLJ

NO. CAAP-23-0000690

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

IN RE TRUST AGREEMENT OF KARL KRIEG, Settlor,
(CASE NO. 3CTR-21-0000005)

IN THE MATTER OF MARGUERITE KRIEG REVOCABLE
TRUST AGREEMENT DATED DECEMBER 28, 1993,
(CASE NO. 3CTR-22-0000004)

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT

ORDER DISMISSING APPEAL

(By: Nakasone, Presiding Judge, McCullen and Guidry, JJ.)

Upon consideration of Petitioner-Appellee Eric Karl Krieg's (**Eric**) August 6, 2024 Motion to Dismiss Appeal or, in the Alternative, for Temporary Remand, the papers in support, the record, and there being no opposition, it appears that:

(1) Respondent-Appellant Alexander Krieg appeals from the Circuit Court of the Third Circuit's (**Circuit Court**) October 19, 2023 Final Judgment on Order Granting Petition Eric Karl Krieg's Motion for Summary Judgment on Petition for Instructions and Relief for Breach of Trust, Filed February 9, 2022 (**Final Judgment**);

(2) The Final Judgment resolves or purports to resolve claims raised in a separate but related proceeding, 3CTR-21-0000005, which was consolidated with 3CTR-22-0000004 for purposes of an evidentiary hearing only;

(3) Eric seeks dismissal of the appeal for lack of appellate jurisdiction, or in the alternative, a temporary remand to the Circuit Court for entry of an amended Final Judgment that complies with Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994); and

(4) The claims raised in 3CTR-22-0000004 remain pending, and the Final Judgment does not and cannot resolve all claims of all parties in 3CTR-22-0000004. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i at 119-20 n.4, 869 P.2d at 1338-39 n.4.

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

DATED: Honolulu, Hawai'i, May 5, 2025.

/s/ Karen T. Nakasone
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge