

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-24-0000775

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

ASSOCIATION OF APARTMENT OWNERS OF KUHIO SHORES AT POIPU,
Plaintiff/Counterclaim Defendant-Appellee, v.
WILLIAM H. GILLIAM, Defendant-Appellant,
and
PACIFIC RIM PROPERTY SERVICE CORPORATION, a Hawaii Corporation,
Defendant/Counterclaimant-Appellee; DIRECTOR OF FINANCE,
COUNTY OF KAUAI, Defendant-Appellee,
and
JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;
DOE CORPORATIONS 1-10; DOE ENTITIES 1-10; and DOE
GOVERNMENTAL UNITS 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CASE NO. 5CC161000063)

ORDER

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

Upon review of Plaintiff/Counterclaim Defendant-Appellee Association of Apartment Owners of Kuhio Shores at Poipu's February 4, 2025 Motion to Dismiss Appeal (**Motion**), the papers in support and in opposition, and the record, it appears that:

(1) Self-represented Defendant-Appellant William Gilliam (**Gilliam**) appeals from the November 13, 2024 "Order Denying Non-Party William H. Gilliam's Petition to Intervene Derivatively on Behalf of Pacific Rim Property Services

Corporation, a dissolved company, Filed on September 3, 2024, [Dkt 191]" (**November 13, 2024 Order**).

(2) The November 27, 2024 First Amended Complaint for Foreclosure added Gilliam as a defendant.

(3) The circuit court has not entered a judgment. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994) (holding that a civil appeal will be dismissed if the circuit court has not entered a separate judgment under Hawai'i Rules of Civil Procedure Rule 58 or Rule 54(b)).

(4) The November 13, 2024 Order is not independently appealable. Although an order denying an application for intervention is generally an appealable collateral order, Hoopai v. Civ. Serv. Comm'n, 106 Hawai'i 205, 215, 103 P.3d 365, 375 (2004), the denial of an application to intervene is not appealable if the applicant is sufficiently involved in the action to have a right to appeal its final disposition. Stringfellow v. Concerned Neighbors in Action, 480 U.S. 370, 377 (1987). As Gilliam has been added as a defendant, he is sufficiently involved to appeal a final order or judgment.

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

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, May 19, 2025.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge