

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-24-0000779

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

DI WU,
Plaintiff/Counterclaim Defendant-Appellant, v.
DAN DAN ZHANG aka DANDAN ZHANG,
Defendant/Counterclaimant-Appellee, and
JOHN AND JANE DOES 1-10; DOE PARTNERSHIPS 1-10;
DOE CORPORATIONS 1-10; DOE GOVERNMENTAL AGENCIES 1-10;
DOE ENTITIES 1-10; AND ALL PERSONS UNKNOWN CLAIMING ANY
RIGHT, TITLE, ESTATE, LIEN OR INTEREST IN SAID REAL PROPERTY
DESCRIBED IN THIS COMPLAINT,
Defendants-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CCV-22-0000964)

ORDER GRANTING MOTION TO DISMISS APPEAL

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

Upon consideration of Defendant/Counterclaimant-Appellee Dan Dan Zhang aka Dandan Zhang's [(Zhang)] Motion to Dismiss [self-represented] Plaintiff/Counterclaim Defendant-Appellant Di Wu's [(Wu)] Appeal, filed March 24, 2025, the papers in support, and the record, it appears that Zhang seeks dismissal of the appeal for lack of jurisdiction because the October 30, 2024 "Findings of Fact, Conclusions of Law and Order Granting [Zhang]'s Motion for Summary Judgment, Filed August 30, 2024 [Dkt. 507]" (**Summary Judgment Order**) from which Wu appeals is not an appealable order.

We conclude we lack 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 (**HRCP**) Rule 58; Jenkins v. Cades Schutte Fleming

& Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994); the Circuit Court has not reduced the Summary Judgment Order to an HRCF Rule 54(b) judgment as to some but less than all claims and parties; the Summary Judgment Order is not independently appealable under the collateral order or Forgay¹ doctrines; and the Circuit Court has not 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 and Forgay doctrines); 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.

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, May 2, 2025.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge

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