

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-25-0000147

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

PALM AVENUE HIALEAH TRUST, A DELAWARE STATUTORY TRUST,
FOR AND ON BEHALF AND SOLELY WITH RESPECT TO
PALM AVENUE HIALEAH TRUST, SERIES 2014-1,
Plaintiff/Counterclaim Defendant-Appellee, v.
BETH GOLDBERG SHAINED, in her capacity as Conservator
for Elinor K. Goldberg,
Defendant/Counterclaimant/Third-Party Plaintiff-Appellee,
and
ALBERT M. GOLDBERG,
Defendant/Counterclaimant/Third-Party Plaintiff-Appellant,
and
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,
AS NOMINEE FOR COUNTRYWIDE HOME LOANS, INC.;
PUALANI ESTATES AT KONA COMMUNITY ASSOCIATION,
Defendants-Appellees,
and
BANK OF AMERICA, N.A.,
Third Party Defendant-Appellee,
and
JOHN DOES 1-20; JANE DOES 1-20; DOE CORPORATIONS 1-20;
DOE ENTITIES 1-20; AND
DOE GOVERNMENTAL UNITS 1-20, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CASE NO. 3CC16100281K)

ORDER GRANTING MOTION TO DISMISS APPEAL

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

Upon consideration of Plaintiff/Counterclaim
Defendant-Appellee Palm Avenue Hialeah Trust, a Delaware
Statutory Trust, for and on Behalf and Solely with Respect to
Palm Avenue Hialeah Trust, Series 2014-1's (**Palm Avenue**)
May 13, 2025 Motion for Order Dismissing Appeal, the papers in

support, the record, and there being no opposition, it appears that Palm Avenue seeks dismissal of the appeal filed by self-represented Defendant/Counterclaimant-Appellant Albert M. Goldberg (**Goldberg**) for lack of jurisdiction.

Goldberg appeals from the Circuit Court of the Third Circuit's January 29, 2025 "Order Granting [Palm Avenue]'s Motion to Dismiss Defendants/Counterclaimants Elinor K. Goldberg And Albert M. Goldberg's Counterclaim, Filed January 6, 2017, Filed Herein on July 7, 2022." The court lacks appellate jurisdiction because the Circuit Court has not entered a final, appealable order or judgment, see Hawaii Revised Statutes (**HRS**) § 641-1(a) (2016); Hawaii 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 order appealed-from is 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, June 30, 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).