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Intermediate Court of Appeals  
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NO. CAAP-25-0000534

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

MARIO TAGAMA, Plaintiff/Counterclaim Defendant-Appellant, v.  
FORTUNE FOODS HAWAII, INC. dba SEAFOOD CITY SUPERMARKET,  
CATHERINE BALON, MARIE SHIRAISHI, JOHN S. MACKEY,  
Defendants/Counterclaimants-Appellees,  
and  
JOHN DOE 1-10, JANE DOE 1-10, DOE PARTNERSHIPS 1-10,  
DOE CORPORATIONS 1-10 AND DOE GOVERNMENTAL ENTITIES 1-10,  
Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CASE NO. 1CCV-25-0000386)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Hiraoka, Presiding Judge, and Wadsworth and McCullen, JJ.)

Upon consideration of Defendants/Counterclaimants-Appellees Fortune Foods Hawaii, Inc., dba Seafood City Supermarket, Catherine Balon, Marie Shiraishi, and John S. Mackey's (collectively, **Appellees**) September 17, 2025 **Motion to Dismiss Appeal**, the papers in support and in opposition, and the record, it appears that Appellees seek dismissal of the appeal for lack of jurisdiction.

Self-represented Plaintiff/Counterclaim Defendant-Appellant Mario Tagama appeals from the June 30, 2025 "Order Granting [Appellees'] Motion to Dismiss First Amended Complaint, Filed March 17, 2025 [Dkt. 19], Filed April 2, 2025 [Dkt. 37]" (**June 30, 2025 Order**). 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); Hawai'i 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 June 30, 2025 Order is not independently appealable under the collateral-order or Forgay<sup>1</sup> doctrines, nor has the Circuit Court granted leave for interlocutory appeal under HRS § 641-1(b) (2016). 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 to Dismiss Appeal is granted, and the appeal is dismissed.

DATED: Honolulu, Hawai'i, September 30, 2025.

/s/ Keith K. Hiroka  
Presiding Judge

/s/ Clyde J. Wadsworth  
Associate Judge

/s/ Sonja M.P. McCullen  
Associate Judge

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<sup>1</sup> Forgay v. Conrad, 47 U.S. 201 (1848).