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Intermediate Court of Appeals
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NO. CAAP-25-0000573

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

MARK MORRIS, Plaintiff-Appellee,
v.
JIM COLE, Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
WAILUKU DIVISION
(CASE NO. 2DRC-25-0000451)

ORDER

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

Upon consideration of Defendant-Appellant Jim **Cole's** October 31, 2025 **Motion for Reconsideration**, the papers in support, and the record, it appears as follows.

On October 21, 2025, the court entered an Order Granting [Plaintiff-Appellee Mark **Morris's**] Motion to Dismiss Appeal. The court concluded that the District Court of the Second Circuit's June 4, 2024 **Judgment for Possession** is the operative final judgment under Hawai'i Revised Statutes (**HRS**) § 641-1(a) (2016), and the court lacks appellate jurisdiction because Cole's August 14, 2025 Notice of Appeal was not timely-filed within thirty days of the Judgment for Possession, as required under Rule 4(a), Hawai'i Rules of Appellate Procedure.

Cole seeks reconsideration of the dismissal, arguing, *inter alia*, that he had timely expressed to the District Court his intent to appeal, and that the District Court should not have "bifurcate[d]" the order granting Morris's May 21, 2025 Motion

for Summary Judgment (**MSJ**) from the relief sought in the MSJ, i.e., the Judgment for Possession.

Upon further review of the record, it appears the Judgment for Possession was not the operative final judgment under HRS § 641-1(a), as this court previously concluded. Specifically, the record indicates a claim for damages remained pending at the time the District Court entered the Judgment for Possession. Accordingly, we cannot conclude that the Judgment for Possession fully "decid[ed] all rights and liabilities of all parties, leaving nothing further to be adjudicated." Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 426, 984 P.2d 1251, 1252 (1999). Moreover, the record indicates the District Court certified the July 15, 2025 Order Granting [the MSJ] as an appealable final judgment under District Court Rules of Civil Procedure Rule 54(b).

Therefore, IT IS HEREBY ORDERED that the Motion for Reconsideration is granted. The October 21, 2025 Order Granting Motion to Dismiss Appeal is vacated, and the appeal is reinstated.

DATED: Honolulu, Hawai'i, November 21, 2025.

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge