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Intermediate Court of Appeals
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NOS. CAAP-25-0000305 and CAAP-25-0000405

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

LAUREN LIPCON, Plaintiff/Counterclaim Defendant-Appellant,
v.
MALIKO COFFEE COTTAGES, MAURICE SMITH, SYDNEY SMITH,
and MURPHY TAU'A, individual/business,
Defendants/Counterclaimants-Appellees,
and HANA A. VANDERVOORT, JOSEPH B. JACOBS, ANDREW S. FISHER,
ELLEN M. FISHER, and COUNTY OF MAUI,
Counterclaimants-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CASE NO. 2CCV-23-0000074)

ORDER (1) DENYING MOTION TO CONSOLIDATE APPEALS AND
(2) DISMISSING CASE NO. CAAP-25-0000405

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

Upon consideration of Plaintiff-Appellant Lauren Lipcon's (**Lipcon**) December 14, 2025 motion to consolidate CAAP-25-0000305 and CAAP-25-0000405 (**Motion to Consolidate**), the papers in support, and the record in case numbers CAAP-25-0000305 and CAAP-25-0000405, it appears that:

1. Lipcon seeks to consolidate the appeals in case numbers CAAP-25-0000305 and CAAP-25-0000405;

2. In case number CAAP-25-0000305, Lipcon appealed from the Circuit Court of the Second Circuit's April 1, 2025 oral ruling on her December 21, 2023 "Motion to Compel Arbitration of Amended Counterclaim" (**Motion to Compel Arbitration**) filed in 2CCV-23-0000074;

3. On April 14, 2025, the circuit court reduced the oral ruling to a written order denying Lipcon's Motion to Compel Arbitration (**Order Denying Motion to Compel Arbitration**);

4. The Order Denying Motion to Compel Arbitration is a final, appealable order under Hawai'i Revised Statutes § 658A-28(a)(1) (2016) and Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(2), and both appeals are from the Order Denying Motion to Compel Arbitration. The notice of appeal in CAAP-25-0000305, though premature, is deemed timely-filed under HRAP Rule 4(a)(2), and the notice of appeal in CAAP-25-0000405 was timely-filed under HRAP Rule 4(b)(1); and

5. Therefore, the appeal in case number CAAP-25-0000405 is duplicative and unnecessary, as the court will review the Order Denying Motion to Compel Arbitration in case number CAAP-25-0000305. Accordingly, we will sua sponte dismiss the appeal in case number CAAP-25-0000405, rendering the request for consolidation moot. See Ogeone v. Au, Nos. CAAP-18-0000190 and

CAAP-18-0000951, 2019 WL 972542, at *1 (App. Feb. 27, 2019)
(Order).

Thus, IT IS ORDERED that the appeal in case number CAAP-25-0000405 is dismissed as unnecessary, and all pending motions in CAAP-25-0000405 are dismissed as moot.

IT IS FURTHER ORDERED that the Motion to Consolidate in CAAP-25-0000305 is denied as moot.

IT IS FURTHER ORDERED that the appellate clerk shall file this order in case numbers CAAP-25-0000305 and CAAP-25-0000405.

DATED: Honolulu, Hawai'i, January 14, 2026.

/s/ Karen T. Nakasone
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge