

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-25-0000845

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

IN THE MATTER OF THE PHYLLIS ANN WOLF REVOCABLE LIVING TRUST
DATED JULY 9, 1999, AS AMENDED

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CASE NO. 2CTR-24-0000014)

ORDER

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

Upon consideration of Respondent-Appellee Mele Jean Strickland, Trustee for the Phyllis Ann Wolf Revocable Living Trust Dated July 9, 1999's (**Strickland**) February 2, 2026 Motion to Dismiss Appeal Filed by Kanani Ann Wolf on December 1, 2025, the papers in support and in opposition, and the record, it appears that:

(1) Petitioner-Appellant Kanani Ann Wolf (**Wolf**) appeals from the September 30, 2025 Final Judgment entered in the Circuit Court of the Second Circuit;

(2) Strickland requests that the court dismiss the appeal for lack of jurisdiction because Wolf's December 1, 2025 notice of appeal was not filed within thirty days of the Final Judgment, as required by Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1), and Wolf failed to obtain an extension of time to appeal under HRAP Rule 4(a)(4);

(3) Strickland further requests taxation of costs against Wolf pursuant to HRAP Rule 39(a), to be awarded after submission of an itemized and verified bill of costs;

(4) The court concludes that Wolf's notice of appeal was not timely filed, and an appellant's failure to file a timely notice of appeal is a jurisdictional defect that can neither be waived by the parties nor disregarded by the court in the exercise of judicial discretion, Enos v. Pac. Transfer & Warehouse, Inc., 80 Hawai'i 345, 349, 910 P.2d 116, 120 (1996); and

(5) Strickland has not submitted an itemized and verified bill of costs to be taxed against Wolf.

Therefore, IT IS HEREBY ORDERED that the motion is granted in part and denied in part as follows:

1. The appeal is dismissed for lack of appellate jurisdiction.

2. The request for taxation of costs is denied without prejudice to Strickland filing such a request that complies with HRAP Rule 39(d).

DATED: Honolulu, Hawai'i, February 26, 2026.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge