

**Electronically Filed  
Intermediate Court of Appeals  
CAAP-26-0000037  
27-MAR-2026  
08:30 AM  
Dkt. 16 ODSLJ**

NO. CAAP-26-0000037

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

KONA SCENIC LAND, INC., Plaintiff-Appellee,  
v.  
ESTATE OF BENJAMIN NIHI, also known as BENJAMIN KIMONA NIHI,  
DECEASED; HEIRS OF MARY HULIHEE TINA,  
also known as MARY KUAKAHELA HULIHEE TINA,  
also known as MARY M.M.K. HULIHEE TINA, DECEASED;  
ESTATE OF HATTIE HULIHEE MILLS, also known as HATTIE KUAKAHELA  
HULIHEE MILLS, also known as HATTIE MARY ROSE HULIHEE MILLS;  
HEIRS OF VICTOR HULIHEE, also known as VICTOR BILL HULIHEE,  
also known as VICTOR WIKOLI "BILLY" HULIHEE, DECEASED;  
HEIRS OR DEVISEES OF JOSEPHINE HULIHEE, also known as  
JOSEPHINE HULIHEE ALAPAI, also known as  
JOSEPHINE YOLANDA HULIHEE ALAPAI, DECEASED;  
HEIRS OR DEVISEES OF ROSE HULIHEE FUKUMITSU, DECEASED;  
HEIRS OF DAVID HULIHEE also known as DAVID LONOKAI HULIHEE,  
DECEASED; HEIRS OR DEVISEES OF EVELYN ORTIZ, also known as  
EVELYN THOMAS ORTIZ, also known as EVELYN ISABELLE ORTIZ,  
DECEASED; PATRICIA MARIE GIBSON THOMAS; HARRY HOOPALE JOSEPH  
THOMAS, II; CHARLENE LEILANI THOMAS; MELVIN TOMAS, also known as  
MELVIN K. THOMAS; HEIRS OF JOHN KAMAKAHELA TOMAS,  
also known as JOHN J. KUAKAHELA, DECEASED; SAMUEL A. BAYAOA;  
VERNON HULIHEE; VELMA HULIHEE; HEIRS OF FENDEL OCLIT,  
also known as TENDAL OCLIT, DECEASED; ELEANOR CHESTER;  
ESTATE OF BENJAMIN SOTELO, DECEASED; FLORENDO SOTELO;  
LORENZO SOTELO; JERRY SOTELO; ESTATE OF DANIEL SOTELO,  
also known as DANIEL M. SOTELO, also known as  
DANIEL MASALINO SOTELO, DECEASED; DAVID SOTELO; TERRILYN SOTELO;  
HEIRS OR DEVISEES OF KULANI LIMA HOOHULI, DECEASED;  
LAVERNE LIMA; SHAWN LIMA; SAUL LIMA; LANE LIMA; GINGER NAKI;  
WILLIAM GRISSOM BROOKS; MILDRED M. TINA KANESHIRO;  
HEIRS OR DEVISEES OF MARILYN TINA LOANDO, DECEASED;  
GILBERT LOANDO; DARRIN LOANDO; BLAISE LOANDO;  
ANNIE K. TINA NAKASONE; JOSEPH I. TINA; PHILIP K.A. TINA;  
GWENDOLYN SCHAUWEKER, personal representative of the  
ESTATE OF JOHN KAMAUI CLARK MILLS, SR., DECEASED;  
HEIRS OF JOHN K.C. MILLS, JR., DECEASED;  
HEIRS OF PATRICK LLEWELLYN KALEI CLARK MILLS, DECEASED;  
BRENDA MILLS, also known as BRENDA LOU ANDERSON;

**NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER**

LLEWELLYN KALEI CLARK MILLS, JR.; LAWRENCE MILLS; LLOYD MILLS;  
GWENDOLYN SCHAUWKER; ROBERT ALAPAI; JAMES ALAPAI; JOSEPH ALAPAI;  
PATRICK ALAPAI; HIRAM ALAPAI; DERRICK ALAPAI; JOSEPHINE MAILE  
GOOLD; CINDY KAULIA; CYNTHIA JOHNSON; NANI HOOHULI; KAZUO  
FUKUMITSU; ERENIO ORTIZ; ERENIO ORTIZ, JR.; ALEX ORTIZ; JEFF  
ORTIZ; LEROY ORTIZ; BEVERLY ORTIZ SADUMIANO; JANET ACORDA;  
GENEVIEVE KUAKAHELA; STEVEN KUAKAHELA; JACOB KUAKAHELA;  
ANDREW KUAKAHELA; MARY ALANI; WENDEL K. OCLIT; JONATHAN OCLIT;  
DEAN OCLIT; LOUISE FRANQUE OCLIT; PEARLENE OTTO; TRACI BOTELHO;  
JOHN SOTELO; ERNESTINE SOTELO STONER, also known as  
ERNESTINE SOTELO; DANIELYNNE M. SOTELO; HEAVENLY H.M. SOTELO,  
also known as HEAVENLY SOTELO YOSHIKI; HEIRS OF VIOLET EVANS  
HOOHULI, DECEASED; HEIRS OF DORIS KOLEKA HOOHULI,  
also known as DORIS DUNG, DECEASED;  
ESTATE OF ALBERT HUI DUNG, JR., DECEASED; DEWLYN ALOHA DUNG,  
also known as DEWLYN ALOHA RODRIGUEZ; LANDES IKEKE DUNG;  
CASSELL DUNG; DORCAS HOKUOKALANI DUNG, also known as  
DORCAS HOKUOKALANI GARCIA; HEIRS OF ROSE HOOHULI,  
also known as ROSE PUA POE, DECEASED; CHARLES FRAGA POE;  
DAVID T. POE; STANLEY E. POE; DAVID KAUAWA POE;  
STEVEN LEWIS POE; HEIRS OF PAULINE KAUHANE HOOHULI,  
also known as PAULINE POE, DECEASED; AH CHING POE;  
DAWN V.K. GOMES; ROBERTHA POE CORNELISON;  
HEIRS OF ALAN PAUL POE; HEIRS OF ALAN P. KEOKI POE, JR.;  
KAHEALANI POE; HANS COWELL; LORETTA MAPUANA POE;  
HEIRS OF JOSEPH HOOHULI, DECEASED; EMMA K.A HOOHULI;  
APRIL PUALANI HOOHULI APO; GEORGE KAHAPEA HOOHULI;  
ISAAC JOHN HOOHULI; KULANI HOOHULI; CHARLENE ULULANI HOOHULI;  
HARRIET HOOHULI BRIONES; JOSEPH HOOHULI, JR.; ROBIN UILANI  
HOOHULI NAHULU, also known as ROBYN UILANI HOOHULI NAHULU;  
HEIRS OF STANLEY MATAIO HOOHULI, DECEASED;  
KAREN KULANI HOOHULI BELL; SHARON EVALANI HOOHULI FERRIMAN;  
STANLEY K. HOOHULI; WARREN LANAKILA HOOHULI;  
ROBERT KAHAPEA HOOHULI; STANFORD IMUA HOOHULI;  
THELMA LEILANI HOOHULI; WAYNE JONA HOOHULI;  
HEIRS OF MATHEW KAEHUKAI HOOHULI, DECEASED;  
ALTHEA GIGI HOOHULI PAIK; VIOLET KALAUAE HOOHULI;  
HEIRS OF STELLA KEALA HOOHULI, also known as  
STELLA K. ENOS, DECEASED; HEIRS OR DEVISEES OF  
CLIFFORD D. ENOS, JR.; ABRAHAM K. ENOS; DORIS ENOS-BRANIGAN;  
ROSE PUA ENOS CENIZA; HEIRS OR DEVISEES OF CLYDE ENOS;  
KALEO B. ENOS; GARNET ENOS CLARK; MABEL KULANI HOOHULI WRIGHT;  
JOSIA LANAKILA HOOHULI; DAVID KAWIKA HOOHULI;  
QUINSIN KALEOHANO HOOHULI; HEIRS OF LAWRENCE LANAKILA HOOHULI,  
DECEASED; APRIL JEAN LEIMAMO HOOHULI; HEIRS OR DEVISEES OF  
SHANTELL K. HOOHULI-JOHNSON, DECEASED; SHAISTIN G.L.K.  
HOOHULI-PICARD; SHANSTIN T.L.K. POGTIS-HOOHULI;  
BRAYSELL K. HOOHULI-POGTIS; ZAYSHELL K. HOOHULI POGTIS;  
KELLY HOOHULI; MARILYN HOOHULI; LIZA HOOHULI KALAWAIA;  
ASHLEY L. HOOHULI; SHANE AWEAU HOOHULI;  
HEIRS OF ERNEST KALANI HOOHULI, DECEASED;  
WILLIAM AWEAU HOOHULI; HEIRS, ASSIGNS, AND DEVISEES OF PERSONS  
NAMED ABOVE WHO ARE DECEASED, OR PERSONS HOLDING UNDER SAID  
HEIRS, ASSIGNS, AND DEVISEES;  
STATE OF HAWAII DEPARTMENT OF TAXATION;

COUNTY OF HAWAI'I; STATE OF HAWAI'I  
CHILD SUPPORT ENFORCEMENT AGENCY;  
HAWAII COMMUNITY FEDERAL CREDIT UNION, Defendants-Appellees,  
and ANDREA MEROLA, Defendant-Appellant,  
and DOES 1 THROUGH 200, and all other unknown persons or  
entities claiming any right, title, estate, lien or  
interest in the real property described in this complaint  
which is adverse to plaintiff's ownership and  
to all whom it may concern, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(CASE No. 3CC18100153K)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION  
(By: Nakasone, Chief Judge, Hiraoka and Wadsworth, JJ.)

Upon review of the record, it appears that self-represented Defendant-Appellant Andrea Merola appeals from the December 18, 2025 *Order Denying Defendant Andrea Merola Ex Parte Motion for Reconsideration for the Order Denying Defendant Andrea Merola's Motion to Set Aside Plaintiff's Order Regarding Return Date on Service by Publication and Posting on Property and Entry of Default, Filed April 7, 2022, Filed April 13, 2022, and Related Joinders, Filed June 23, 2022, Filed on July 8, 2022*, entered in the Circuit Court of the Third Circuit.

The court lacks appellate jurisdiction because the Circuit Court has not entered a final, appealable order or judgment, see Hawai'i 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 order appealed-from is not independently appealable under the collateral-order or Forgay<sup>1</sup> 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 this appeal is dismissed for lack of jurisdiction.

---

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

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, March 27, 2026.

/s/ Karen T. Nakasone  
Chief Judge

/s/ Keith K. Hiraoka  
Associate Judge

/s/ Clyde J. Wadsworth  
Associate Judge