

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-25-0000414

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CENTRAL PACIFIC BANK, Plaintiff-Appellant,
v.
DAVID AUGUSTINE ALCOS, III, also known as
DAVID A. ALCOS, III, individually, as Trustee of
The 2001 Alcos Family Revocable Living Trust
dated July 11, 2001, and as Trustee of
The David A. Alcos, III Trust dated June 8, 2016;
RALENA P. B. ALCOS, as Trustee of
The Ralena P.B. Alcos Trust dated June 8, 2016;
ASSOCIATION OF APARTMENT OWNERS OF ALCOS ESTATES,
by its Board of Directors;
WBL SPO II, LLC, a Delaware limited liability company;
UNITED STATES OF AMERICA,
DEPARTMENT OF TREASURY, INTERNAL REVENUE SERVICE;
DEPARTMENT OF TAXATION, STATE OF HAWAII;
BANK OF HAWAII, a Hawaii corporation,
Defendants-Appellees,
and
JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;
DOE CORPORATIONS 1-10; DOE ENTITIES 1-10; and
DOE GOVERNMENTAL UNITS 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CCV-22-0001009)

ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION

(By: Nakasone, Chief Judge, Hiraoka and Wadsworth, JJ.)

Upon review of *Plaintiff-Appellant Central Pacific Bank's Response to Order to Show Cause*, filed on May 21, 2026, and the record, it appears that:

1. Central Pacific **Bank** appeals from the circuit court's May 31, 2023 *Order Denying Plaintiff's Motion for Summary Judgment as to All Claims and All Parties, Interlocutory Decree of Foreclosure and Order of Sale* and April 22, 2025 *Order Denying Plaintiff's Motion for Reconsideration* (the **Orders**);

2. The circuit court has not entered an appealable judgment, see *Jenkins v. Cades Schutte Fleming & Wright*, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994);

3. The Orders are interlocutory and not appealable, *Peters v. Aipa*, 118 Hawai'i 308, 316, 188 P.3d 822, 830 (App. 2008) (holding that order denying motion for summary judgment is not appealable absent order under Hawaii Revised Statutes (**HRS**) § 641-1(b));

4. The circuit court has not allowed an appeal from the Orders under HRS § 641-1(b);

5. The Orders are not appealable collateral orders because they do not involve an issue "completely separate from the merits of the action" and they will be reviewable on appeal from a final judgment, *Greer v. Baker*, 137 Hawai'i 249, 253, 369 P.3d 832, 836 (2016);

6. The Orders are not appealable under the *Forgay* doctrine, see *id.*;

7. The circuit court did not enter summary judgment for Defendants David Augustine Alcos, III and Ralena P.B. Alcos under *State ex rel. Anzai v. City & Cnty. of Honolulu*, 99 Hawai'i 508, 514, 57 P.3d 433, 439 (2002); and

8. A temporary remand under HRS § 602-57(3) is not appropriate because the record on appeal doesn't show that the circuit court intended to allow an appeal from the Orders, or that the circuit court has resolved all claims against all parties and the only thing lacking is the entry of a judgment, see *Waikiki v. Ho'omaka Village Assoc. of Apartment Owners*, 140 Hawai'i 197, 204, 398 P.3d 786, 793 (2017).

Therefore, IT IS HEREBY ORDERED that this appeal is dismissed for lack of jurisdiction. No judgment will be entered. See Hawai'i Rules of Appellate Procedure Rule 36(b)(1).

DATED: Honolulu, Hawai'i, May 29, 2026.

/s/ Karen T. Nakasone
Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge