

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-24-0000081

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

GINETTE C.P. PERSIN, Plaintiff-Appellant, v.
BERKSHIRE HATHAWAY LIFE INSURANCE COMPANY OF NEBRASKA;
BHG STRUCTURED SETTLEMENTS, INC.; PACIFIC LIFE INSURANCE
COMPANY; PACIFIC LIFE & ANNUITY SERVICES, INC.; LLOYD Y.
ASATO, as Special Administrator of the Estate of AARON DAVID
PERSIN; RICHARD BOONE; JUDY BOONE, Defendants-Appellees,
and
JOHN DOES 1-10, JANE DOES 1-10, DOE PARTNERSHIPS 1-10,
DOE CORPORATIONS 1-20, DOE ASSOCIATIONS 1-10, DOE LIMITED
LIABILITY COMPANIES 1-10, DOE "NON-PROFIT" CORPORATIONS 1-10,
and DOE GOVERNMENTAL ENTITIES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-22-0000711)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that Plaintiff/Counterclaim Defendant-Appellant Ginette C. Persin appeals from the following orders of the Circuit Court of the First Circuit: (1) January 12, 2024 Order Granting Defendants Richard Boone and Judy Boone's Motion to Dismiss First Amended Complaint, Filed on July 14, 2023 [Dkt. 181], Filed on July 31, 2023; (2) January 24, 2024 Order Granting in Part and Denying in Part Defendants Berkshire Hathaway Life Insurance Company of Nebraska and BHG Structured Settlements, Inc.'s Motion for Summary Judgment Re: the Berkshire Defendants, Filed on July 31, 2023 [Dkt. 186]; and (3) February 12, 2024 Order Granting in Part and Denying in Part Defendants Pacific Life Insurance Company's and Pacific Life & Annuity Services, Inc.'s Motion for Summary

Judgment, Filed on July 31, 2023 [Dkt. 191] (collectively, **Orders**).

The court lacks appellate jurisdiction because the Circuit Court has not entered a final, appealable order or judgment, see Hawaii 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 Orders are not independently appealable under the collateral-order or Forgay^{1/} doctrines, nor has the Circuit Court granted leave for 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 the appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, June 30, 2026.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge

^{1/} Forgay v. Conrad, 47 U.S. 201 (1848).