

**Electronically Filed
Intermediate Court of Appeals
CAAP-26-0000206
16-JUN-2026
08:12 AM
Dkt. 36 ODSLJ**

NO. CAAP-26-0000206

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

COMPU-LINK CORPORATION dba CELINK,
Plaintiff-Counterclaim Defendant-Appellee,
v.
ELEANOR P. FERNANDES, Defendant-Counterclaimant-Appellant,
and SECRETARY OF HOUSING AND URBAN DEVELOPMENT;
DIRECTOR OF FINANCE-COUNTY OF HAWAI'I (EAST HAWAII)
REAL PROPERTY TAX DIVISION, Defendants-Appellees,
and JOHN DOES 1-50; JANE DOES 1-50; DOE PARTNERSHIPS 1-50;
DOE CORPORATIONS 1-50; DOE ENTITIES 1-50
AND DOE GOVERNMENTAL UNITS 1-50,
Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CASE NO. 3CC161000329)

ORDER GRANTING MOTION TO DISMISS APPEAL

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

Upon consideration of Plaintiff-Appellee Compu-Link Corporation dba Celink's (**Compu-Link**) April 8, 2026 "Motion to Dismiss Defendant-Appellant's Interlocutory Appeal," the papers in support and in opposition, and the record, it appears that Defendant-Appellant Eleanor P. Fernandes appeals from the Circuit Court of the Third Circuit's February 17, 2026 "Order Granting Plaintiff's Non-Hearing Motion for Substitution of Real Party in Interest and for Amendment of Caption" (**Substitution Order**), and Compu-Link seeks dismissal of the appeal for lack of jurisdiction.

The court lacks appellate jurisdiction because the Circuit Court has not entered a final, appealable judgment resolving all claims in the underlying case, see Hawai'i Revised

Statutes (**HRS**) § 641-1(a) (2016); Hawai'i Rules of Civil Procedure Rule 58; Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994), and the Substitution Order is not independently appealable under the collateral-order or Forgay¹ 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); see also Labayog v. Labayog, 83 Hawai'i 412, 420, 927 P.2d 420, 428 (App. 1996) ("An order allowing substitution . . . is interlocutory and not appealable of right. . . . The propriety of the substitution can be raised on appeal from a final judgment.").

Therefore, IT IS HEREBY ORDERED that the motion is granted, and the appeal is dismissed for lack of jurisdiction.

DATED: Honolulu, Hawai'i, June 16, 2026.

/s/ Karen T. Nakasone
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Daniel M. Gluck
Associate Judge

¹ Forgay v. Conrad, 47 U.S. 201 (1848).