

Electronically Filed
Intermediate Court of Appeals
CAAP-26-0000089
07-AUG-2026
07:53 AM
Dkt. 43 ODSLJ

NO. CAAP-26-0000089

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

D.Y., Plaintiff-Appellee,
v.
J.F., Defendant-Appellant.

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(CASE NO. 3FDV-23-0000392)

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

Upon review of the record in CAAP-26-0000089 and 3FDV-23-0000392, it appears that:

1. Defendant-Appellant J.F. (**J.F.**) appeals from the January 8, 2026 "Order on Plaintiff's Motion to Sell Marital Real Properties to Fund Recovery of Subject Minor Child and Litigation Costs and for Other Relief, Filed Herein on December 4, 2025" (**1/8/26 Order**) entered in the Family Court of the Third Circuit (**Family Court**).

2. The court lacks jurisdiction over J.F.'s appeal because the Family Court has not entered a final, appealable decree, order, or judgment. See Hawai'i Revised Statutes (**HRS**)

§ 571-54 (2018); Eaton v. Eaton, 7 Haw. App. 111, 118-19, 748 P.2d 801, 805 (1987); Hamilton v. Hamilton, No. CAAP-14-0000519, 2014 WL 2198378 (Haw. App. May 27, 2014) (Order).

3. The 1/8/26 Order was not authorized for interlocutory appeal pursuant to HRS § 641-1(b) (2016) and is not independently appealable. Greer v. Baker, 137 Hawai'i 249, 253, 369 P.3d 832, 836 (2016).

4. The Forgay doctrine does not apply here. While the 1/8/26 Order called for the "immediate" sale of three of J.F.'s real properties, it did not designate a deadline to do so. Hamilton, 2014 WL 2198378, at *1. The 1/8/26 Order was not a final appealable order because the Family Court ordered that the sale proceeds be maintained in an escrow account and not disbursed without further order of the court. See Eaton, 7. Haw. App. at 120, 748 P.2d at 806-07.

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

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, August 7, 2026.

/s/ Karen T. Nakasone
Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Daniel M. Gluck
Associate Judge