

NO. 24631

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

SUNTERA, THE SOLAR ELECTRIC CHARIOT COMPANY,
a Hawai'i corporation, Plaintiff-Appellant

vs.

THOMAS QUINN; HAWAII ELECTRIC VEHICLE
DEMONSTRATION PROJECT; BARBARA KIM-STANTON;
HERBERT HENDRICKSON; DAVID YUN; HIGH TECHNOLOGY
DEVELOPMENT CORPORATION, a Hawai'i corporation;
KENNETH KATO; RICHARD MOODY; MAURICE KAYA;
STATE OF HAWAI'I OFFICE OF ATTORNEY GENERAL,
Defendants-Appellees

MCCORRISTON MILLER MUKAI MACKINNON LLP,
Party-in-Interest-Appellee

and

ARGYLE TELEVISION COMPANY; CATHERINE CRUZ; JOHN DOE
AND JANE ROES, INDIVIDUALS 1 THROUGH 12;
DOE PARTNERSHIPS 1 THROUGH 12; DOE CORPORATIONS 1
THROUGH 12; DOE MUNICIPAL CORPORATIONS 1 THROUGH 5
AND STATE AGENCIES 1 THROUGH 5, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 96-3580)

ORDER DISMISSING APPEAL
(By: Moon, C.J., Levinson,
Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that the circuit court's October 8, 2001 order is not an order denying a motion to compel arbitration under HRS § 658-3 that is immediately appealable under the collateral order doctrine inasmuch as HRS § 658-3 did not apply to the motion for withdrawal of counsel. Even if HRS § 658-3 applied to the motion for withdrawal of counsel, the October 8, 2001 order is not effectively

unreviewable on appeal from a final judgment in Civil No. 96-3580 inasmuch as appellant did not move that the withdrawal of counsel motion be stayed pending arbitration, the motion has already been heard by the circuit court and the appeal of the October 8, 2001 order would afford appellant a remedy in name, but not an adequate remedy in fact. See Assn. of Owners of Kukui Plaza v. Swinerton & Walberg, 68 Haw. 98, 107, 705 P.2d 28, 35 (1985); Koolau Radiology, Inc. v. Queen's Medical Center, 73 Haw. 433, 444, 834 P.2d 1294, 1300 (1992). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, January 30, 2002.