

NO. 24931

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STEVE TATAII, Appellant-Appellant

vs.

SUSAN CHANDLER, Director, Department of Human Services,
State of Hawai'i, Appellee-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 00-1-2277)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we do not have appellate jurisdiction. In civil cases, the general rule is that an aggrieved party may appeal only from "final judgments, orders, or decrees[.]" HRS § 641-1(a) (1993). Rule 4(a)(1) of the Hawai'i Rules of Appellate Procedure (HRAP) requires that "the notice of appeal shall be filed within 30 days after entry of the judgment or appealable order." The failure of an appellant to file a timely notice of appeal in a civil matter is a jurisdictional defect that can neither be waived by the parties nor disregarded by the appellate court in the exercise of judicial discretion. Bacon v. Karlin, 68 Haw. 648, 650, 727 P.2d 1127, 1128 (1986); HRAP Rule 26(b) ("[N]o court or judge or justice thereof is authorized to change the jurisdictional requirements contained in Rule 4 of [the HRAP]."). The final and appealable judgment in this case was the March 14, 2001 judgment. Appellant Steve Tataii (Appellant Tataii) filed his February 21, 2002 notice of appeal more than thirty days after entry of the March 14, 2001 judgment in violation of HRAP Rule 4(a)(1). Therefore, Appellant Tataii's appeal was not timely with respect to the March 14, 2001 judgment and we do not have jurisdiction.

Appellant Tataii's multiple motions for reconsideration

were not filed within ten days after entry of the March 14, 2001 judgment and did not extend the time period for filing the notice of appeal. See HRAP Rule 4(a)(3). Likewise, the subsequent entry of superfluous judgments did not extend the time period for filing the notice of appeal. Wong v. Wong, 79 Hawai'i 26, 31, 897 P.2d 953, 958 (1995) (vacating and reentering a judgment does not extend the time for filing a notice of appeal). Therefore,

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

DATED: Honolulu, Hawai'i, June 13, 2002.