

NO. 25307

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

RODNEY L. WEST, an individual, Plaintiff-Appellee

vs.

THE ESTATE OF VIRGINIA MOORE; FOR VIRGINIA MOORE,
Defendant-Appellant

THE ESTATE OF VIRGINIA MOORE,
Defendant-Third-Party Plaintiff-Appellant

vs.

ISEMOTO CONTRACTING CO., LTD., Third-Party Defendant-Appellee

APPEAL FROM THIRD CIRCUIT COURT
(CIV. NO. 00-1-0068K)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, and Acoba, JJ.
and Circuit Judge Raffetto, assigned by reason of vacancy)

Upon review of the record, it appears that the Honorable Ronald Ibarra's August 20, 2002 "Order Denying Defendant's Motion in Limine Re: Damages After January 13, 2000" in Civil No. 00-1-0068K is not a final and appealable order under HRS § 641-1(a) (1993). "Final order means an order ending the proceedings, leaving nothing further to be accomplished." Familian Northwest, Inc. v. Central Pacific Boiler & Piping, Ltd., 68 Haw. 368, 370, 714 P.2d 936, 937 (1986) (citation and internal quotation marks omitted). "[A] trial court's ruling on a motion in limine is not a final ruling on the admissibility of the evidence in question, but only preliminary in nature, and subject to reconsideration as the evidence in the trial is fully developed." Craft v. Peebles, 78 Hawai'i 287, 296, 893 P.2d 138, 147 (1995) (citation omitted). "We have, in rare situations,

considered an interlocutory order so effectively 'final' that we have exercised appellate jurisdiction over an appeal that is neither a final judgment nor has been allowed by the circuit court under HRS § 641-1(b)." Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 321, 966 P.2d 631, 633 (1998).

In order to fall within the narrow ambit of the collateral order doctrine, the order must [1] conclusively determine the disputed question, [2] resolve an important issue completely separate from the merits of the action, and [3] be effectively unreviewable on appeal from a final judgment.

Id. at 322, 966 P.2d at 634 (citations and internal quotation marks omitted; brackets in original). The August 22, 2002 order does not satisfy any of these requirements, and, thus, the collateral order doctrine does not apply. Absent entry of an appealable final judgment, order, or decree, we do not have jurisdiction. Therefore,

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

DATED: Honolulu, Hawai'i, January 24, 2003.