

NO. 25449

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

A. JORIS WATLAND and ERIC GENE SCHNEIDER,
Plaintiffs-Appellants,

vs.

DWAYNE D. YOSHINA, CHIEF ELECTION OFFICER FOR THE
STATE OF HAWAI'I, individually and in his office capacity;
and WENDELL KIMURA, ACTING DIRECTOR OF THE STATE
OF HAWAI'I LEGISLATIVE REFERENCE BUREAU,
individually and in his official capacity,
Defendants-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIV. NO. 02-1-2485-10)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that: (1) Appellants are appealing from an order denying a motion for a temporary restraining order; (2) it is well-settled that the right to appeal is purely statutory and exists only when given by some constitutional or statutory provision. Burke v. County of Maui, 96 Hawai'i 288, 289, 22 P.3d 84, 85 (2001); (3) HRS § 641-1(a) governs this appeal and provides in relevant part that appeals shall be allowed in civil matters from all final judgments, orders, or decrees of the circuit court; (4) the order denying the motion for a temporary restraining order is not a final judgment; (5) the order is an interlocutory order, and the circuit court did not grant Appellants leave to take an

interlocutory appeal. Therefore,

IT IS HEREBY ORDERED that the appeals are dismissed for lack of appellate jurisdiction.

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