

NO. 25482

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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ANIMAL CARE FOUNDATION, INC., Plaintiff-Appellant

vs.

HAWAIIAN HUMANE SOCIETY, INC., and PAMELA BURNS,  
Defendants-Appellees

and

JOHN AND MARY DOES 1-10 and DOE CORPORATIONS, PARTNERSHIPS OR  
OTHER ENTITIES 1-10, Defendants

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APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 1RC02-1-05422)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the notice of appeal filed on November 8, 2002 was filed thirty-one days after entry of the October 8, 2002 order dismissing Civil No. 1RC02-1-05422 and is an untimely appeal of the October 8, 2002 order. See HRAP 4(a)(1) ("[T]he notice of appeal shall be filed within 30 days after entry of the judgment or appealable order."). Thus, we lack jurisdiction over this appeal. See HRAP 26(b); Bacon v. Karlin, 68 Haw. 648, 650, 727 P.2d 1127, 1128 (1986) (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). Therefore,

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

DATED: Honolulu, Hawai'i, February 12, 2003.