

NO. 25492

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HAWAII INSURERS COUNCIL, Plaintiff-Appellant

vs.

LINDA LINGLE, GOVERNOR, STATE OF HAWAII; STANLEY SHIRAKI,
DIRECTOR OF FINANCE, DEPARTMENT OF BUDGET AND FINANCE; KATHRYN
MATAYOSHI, DIRECTOR, DEPARTMENT OF COMMERCE AFFAIRS; WAYNE
METCALF, INSURANCE COMMISSIONER, INSURANCE DIVISION, DEPARTMENT
OF CONSUMER AFFAIRS, Defendants-Appellees

APPEAL FROM THE FIRST CIRCUIT COURT
(CIVIL NO. 02-1-2295)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears the Honorable Richard W. Pollack's November 25, 2002 order denying Plaintiff-Appellant Hawaii Insurers Council's motion for a preliminary injunction in Civil No. 02-1-2295 is neither an appealable final order under HRS § 641-1(a) (1993) nor a certified interlocutory order under HRS § 641-1(b) (1993). The November 25, 2002 order does not qualify as an appealable final order under the Forgay doctrine or the collateral order doctrine. See Ciesla v. Reddish, 78 Hawai'i 18, 20, 889 P.2d 702, 704 (1995) (regarding the Forgay doctrine); Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 321-22, 966 P.2d 631, 633-34 (1998) (regarding the collateral order doctrine). Final judgment having not been entered, the November 25, 2002 order is not appealable, and this appeal is premature. Therefore,

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

DATED: Honolulu, Hawai'i, March 4, 2003.