

NO. 25509

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

AFL HOTEL & RESTAURANT WORKERS HEALTH & WELFARE TRUST FUND,
by its Trustees, Plaintiff-Appellee

vs.

DOMIE RAMOS and RONALD N. FEDERIZO, Defendants-Appellants

and

RONALD N. FEDERIZO, Third-Party Plaintiff-Appellant

and

DEREK R. KOBAYASHI and REGAN M. IWAO, Third-Party Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 02-1-0338)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears the Honorable Gary W.B. Chang's November 6, 2002 order denying Defendant/Counterclaim-Plaintiff/Appellant Domingo Ramos' motion for a reduction of the monetary claim of Plaintiff/Counterclaim-Defendant/Appellee AFL Hotel & Restaurant Workers Health & Welfare Trust Fund and for additional fees and costs in Civil No. 02-1-0338 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 6, 2002 order does not qualify as an appealable 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 6, 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 5, 2003.