

*** NOT FOR PUBLICATION ***

NO. 26391

IN THE SUPREME COURT OF THE STATE OF HAWAII

NANCY MAKANUI, Plaintiff-Appellant

vs.

STATE OF HAWAII, DEPARTMENT OF HUMAN SERVICES; DIRECTOR DR. SUSAN CHANDLER, DEPARTMENT OF HUMAN SERVICES, STATE OF HAWAII; DR. PATRICIA SNYDER, ADULT PROTECTIVE SERVICES, SOCIAL SERVICES DIVISION, DEPARTMENT OF HUMAN SERVICES, STATE OF HAWAII; DEPUTY DIRECTOR PATRICIA MURAKAMI, DEPARTMENT OF HUMAN SERVICES, STATE OF HAWAII; ACTING DEPUTY DIRECTOR KATHLEEN STANLEY, DEPARTMENT OF HUMAN SERVICES, STATE OF HAWAII; BRANCH ADMINISTRATOR NOREEN MOON-NG & COMMUNITY CARE BRANCH SOCIAL SERVICES DIVISION, DEPARTMENT OF HUMAN SERVICES, STATE OF HAWAII; NORMAN NISHIKI, ADULT COMMUNITY CARE SERVICES, EAST HAWAII, STATE OF HAWAII,
Defendants-Appellees

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 02-1-155)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that we do not have jurisdiction over Plaintiff-Appellant Nancy Makanui's (Appellant Makanui) appeal from the February 20, 2004 order denying Appellant Makanui's motion for summary judgment. "As a general matter, this court's jurisdiction over an appeal is limited to a review of final judgments, orders and decrees. Hawaii Revised Statutes § 641-1(a) (1985). Judgment is not final in a case until all claims of the parties have been terminated." Ciesla v. Reddish, 78 Hawai'i 18, 20, 889 P.2d 702, 704 (1995) (citation omitted). The February 20, 2004 order denying Appellant Makanui's motion for summary judgment did not terminate any of the claims, and, thus, the February 20, 2004

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order "is interlocutory and not appealable absent permission under HRS § 641-1(b) or Rule 54(b), HRCP, as applicable." Jacober v. Sunn, 5 Haw. App. 20, 25, 674 P.2d 1024, 1028 (1984) (citation and footnote omitted). Appellant Makaanui neither sought nor obtained the circuit court's permission to appeal the February 20, 2004 order pursuant to HRS § 641-1(b) (1993) or Rule 54(b) of the Hawai'i Rules of Civil Procedure. Furthermore, the February 20, 2004 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 at 20, 889 P.2d at 704 (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). Therefore, this appeal is premature and we lack appellate jurisdiction. Accordingly,

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

DATED: Honolulu, Hawai'i, May 12, 2004.