

NO. 28142

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

DUNCAN LUM MORTGAGE SERVICES, LLC,
Plaintiff/Counterclaim-Defendant-Appellant

v.

GAIL KEAO, aka GAIL HASHIMOTO,
Defendant/Counterclaim-Plaintiff-Appellee

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CIVIL CASE NO. 1RC06-1-2654)

ORDER DISMISSING APPEAL

(By: Burns, C.J., Lim and Foley, JJ.)

Upon review of the record, it appears that we do not have jurisdiction over Plaintiff/Counterclaim-Defendant-Appellant Duncan Lum Mortgage Services, LLC's (Appellant DLMS), appeal.

Pursuant to [Hawaii Revised Statutes (HRS)] § 641-1(a) (1993), appeals are allowed in civil matters from all final judgments, orders, or decrees of circuit and district courts. In district court cases, a judgment includes any order from which an appeal lies. A final order means an order ending the proceeding, leaving nothing further to be accomplished. When a written judgment, order, or decree ends the litigation by fully deciding all rights and liabilities of all parties, leaving nothing further to be adjudicated, the judgment, order, or decree is final and appealable.

Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 426, 984 P.2d 1251, 1252 (1999) (citations, internal quotation marks, and footnote omitted) (emphases added).

The district court, the Honorable Faye M. Koyanagi presiding, has not yet entered a written final order or written judgment that resolves Appellant DLMS' complaint and

KHAMAKADO
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STATE OF HAWAII

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Defendant/Counterclaim-Plaintiff/Appellee Gail Keao, aka Gail Hashimoto's counterclaim, and, thus, ends the proceeding, leaving nothing further to be adjudicated. See HRS § 641-1(a) (Supp. 2005); Haw. Dist. Ct. R. Civ. P. 58; Haw. R. App. P. 4(a)(5). Although the district court issued a minute order, "a minute order is not an appealable order." Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 321 n.3, 966 P.2d 631, 633 n.3 (1998). Absent a written final order or written final judgment, Appellant DLMS' appeal is premature and we lack appellate jurisdiction. Therefore,

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

Dated: Honolulu, Hawai'i, November 30, 2006.


Chief Judge


Associate Judge


Associate Judge