

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 28428

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

JOHN O. GOODMAN, Plaintiff-Appellant, v. WELLS FARGO HOME MORTGAGE, INC.; WELLS FARGO BANK, NATIONAL ASSOCIATION, Defendants-Appellees, and JOHN DOES 1-50; JANE DOES 1-50; DOE PARTNERSHIPS 1-50; DOE CORPORATIONS 1-50; DOE ENTITIES 1-50; and DOE GOVERNMENTAL UNITS 1-50, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Civ. No. 07-1-0062)

ORDER DISMISSING APPEAL

(By: Recktenwald, C.J., Watanabe, and Foley, JJ)

NOEMIA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 MAY 24 AM 9:20

FILED

Upon review of the record, it appears that we lack jurisdiction over Plaintiff-Appellant John O. Goodman's (Appellant Goodman) appeal from the several orders by the Honorable Eden Elizabeth Hifo to which Appellant Goodman has referred in his notices of appeal dated March 5, 2007, April 5, 2007, and April 30, 2007 because the Circuit Court of the First Circuit (the circuit court) has not yet entered an appealable final judgment under Hawaii Revised Statutes (HRS) § 641-1(a) (Supp. 2006), Rule 58 of the Hawai'i Rules of Civil Procedure (HRCPP), and the holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

No party in this case is asserting an action for foreclosure, and, thus, HRS § 667-51 (Supp. 2006) does not apply to this case. HRS § 641-1(a) authorizes appeals from a circuit court's final judgments, orders, or decrees, but "[a]n appeal may be taken from circuit court orders resolving claims against parties only after the orders have been reduced to a judgment and the judgment has been entered in favor of and against the

appropriate parties pursuant to HRCP [Rule] 58[.]" Id. The circuit court has not yet reduced any of the orders to a final judgment in favor of and against the appropriate parties. Although exceptions to the finality requirement exist under Forgay v. Conrad, 47 U.S. 201 (1848) (the Forgay doctrine) and the collateral order doctrine, the appealed orders do not satisfy all of the requirements for appealability under the Forgay doctrine and the collateral order doctrine. See Ciesla v. Reddish, 78 Hawai'i 18, 20, 889 P.2d 702, 704 (1995) (regarding the Forgay doctrine), and Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 321, 966 P.2d 631, 633 (1998) (regarding the collateral order doctrine). The circuit court has not certified any of the appealed orders for an interlocutory appeal pursuant to HRS § 641-1(b) (Supp. 2006). Therefore, none of the orders that Appellant Goodman is appealing are appealable, and we lack appellate jurisdiction. Accordingly,

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

DATED: Honolulu, Hawai'i, May 24, 2007.

Mar E. Neumann

Chief Judge

Bernice KA Watanabe

Associate Judge

Charles R. Foley

Associate Judge