

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28761

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

MARIAH IVIE, Petitioner-Appellee,
v.
DEXTER LEE IVIE, Respondent-Appellant.

K. HAMAKAHO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 JAN 25 AM 10:10

FILED

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(FCDA 07-1-0142K)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we lack jurisdiction over Respondent-Appellant Dexter Lee Ivie's (Appellant Dexter Ivie) appeal from the Honorable Aley K. Auna, Jr.'s, oral rulings on Appellant Dexter Ivie's post-judgment June 25, 2007 "Expedited Ex Parte [N]unc [P]ro [T]unc Motion for Time Extension" and post-judgment July 31, 2007 "Motion to Vacate the Scheduled Hearing Set for August 27, 2007 and for the Court to Reconsider Its Notice to Appear," because the family court has not yet reduced its oral rulings to written post-judgment orders.

In family court cases "[a]n interested party aggrieved by any order or decree of the court may appeal to the intermediate appellate court for review of questions of law and fact upon the same terms and conditions as in other cases in the circuit court[.]" Hawai'i Revised Statutes (HRS) § 571-54 (2006). In circuit court cases, aggrieved parties may appeal from "final judgments, orders or decrees[.]" HRS § 641-1(a) (Supp. 2006). "A post-judgment order is an appealable final

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

order under HRS § 641-1(a) if the order finally determines the post-judgment proceeding." Hall v. Hall, 96 Hawai'i 105, 111 n.4, 26 P.3d 594, 600 n.4 (App. 2001) (citation omitted), affirmed in part, and vacated in part on other grounds, Hall v. Hall, 95 Hawai'i 318, 22 P.3d 965 (2001). For the purpose of appealability, we deem an order to be "entered when it is filed in the office of the clerk of the court." Haw. R. App. P. 4(a)(5).

Appellant Dexter Ivie seeks appellate review of oral rulings that the family court has not yet entered as written post-judgment orders. Although the court minutes for August 27, 2007 reflect the family court's oral rulings, the supreme court has specifically noted that "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) (emphasis added).

Absent an appealable written order, we lack jurisdiction over this appeal. Therefore,

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

DATED: Honolulu, Hawai'i, January 25, 2008.



Chief Judge



Associate Judge



Associate Judge