

NO. 29422

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

GREGORY KANAHELE, SR., INDIVIDUALLY AND
AS NEXT FRIEND OF GREGORY KANAHELE, JR.,
a minor AND TRISHALYNN KANAHELE, a minor,
Plaintiffs-Appellees,

v.

JAMES HAN, Defendant-Appellant

and

DOE DEFENDANTS 1-20, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIV. NO. 06-1-0597)

ORDER GRANTING DEFENDANT-APPELLANT JAMES HAN'S
DECEMBER 26, 2008 MOTION TO DISMISS APPEAL

(By: Foley, Presiding Judge, Nakamura and Leonard, JJ.)

Upon review of (1) Defendant-Appellant James Han's (Appellant Han) December 26, 2008 motion to dismiss Appellant Han's appeal from the Honorable Glenn J. Kim's September 25, 2008 "Order Denying Defendants James Han's Motion to Determine Covered Loss Deductible Filed on August 5, 2008" (the September 25, 2008 order), and (2) the record, it appears that we lack jurisdiction over Appellant Han's appeal from the September 25, 2008 order in appellate court case number 29422.

The September 25, 2008 order is an interlocutory order that will be eligible for appellate review by way of a timely appeal from an appealable final judgment, upon the circuit court's entry of an appealable final judgment in this case. Ueoka v Szymanski, 107 Hawai'i 386, 396, 114 P.3d 892, 902 (2005) ("An appeal from a final judgment brings up for review all interlocutory orders not appealable directly as of right which deal with issues in the case." (Citation and internal quotation marks omitted)). Absent an appealable final judgment or appealable final order in this case, this appeal is premature, and we lack appellate jurisdiction.

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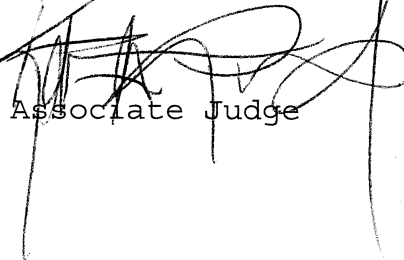
NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

Therefore, IT IS HEREBY ORDERED that Appellant Han's December 26, 2008 motion to dismiss Appellant Han's appeal is granted and this case is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, January 5, 2009.


Presiding Judge


Associate Judge


Associate Judge