

*** NOT FOR PUBLICATION ***

NO. 25144

IN THE SUPREME COURT OF THE STATE OF HAWAII

KELLY ANDERSON and VERONICA FARRELL, Petitioners-Appellees

vs.

KEITH DOUGLAS, Respondent-Appellant

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
(CIV. NO. 2SS02-34(W))

SUMMARY DISPOSITION ORDER

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

Respondent-appellant Keith Douglas (Douglas) appeals from the May 1, 2002 order of the district court of the second circuit, the Honorable Geronimo Valdriz, Jr. presiding, granting a petition for injunction against harassment (the petition) filed against Douglas by petitioners-appellees Kelly Anderson and Veronica Farrell [hereinafter, "petitioners"].

On appeal, Douglas argues that: (1) the district court lacked jurisdiction to enter the May 1, 2002 order because service of process was not in accordance with law; and (2) the district court erred in entering the May 1, 2002 order by default, inasmuch as (a) Douglas became entitled to an evidentiary hearing on the petition after he submitted an affidavit denying the petition's allegations, and (b) counsel for Douglas was present at the hearing on the petition.

Upon carefully reviewing the record and the briefs submitted by the parties, and having given due consideration to the arguments advanced and the issues raised, we hold that: (1) while the order from which Douglas appeals expired on October 1, 2002, the instant appeal is not moot in light of the order's

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adverse "collateral consequences" to Douglas's professional standing and reputation, see, e.g., In re Doe, 81 Hawai'i 91, 99, 912 P.2d 588, 596 (App. 1996); In re Surrick, 338 F.3d 224, 230 (3d Cir. 2003); Dailey v. Vought Aircraft Co., 141 F.3d 224, 228 (5th Cir. 1998); Wright, Miller & Cooper, Federal Practice and Procedure: Jurisdiction 2d § 3533.3, at 291-293 (1984); and (2) the order is void because (a) service of process, which was not preceded by a court order authorizing out-of-state service, was defective, see Hawai'i Revised Statutes (HRS) § 604-7(c) (1993) and HRS § 634-24 (1993), and (b) consequently, the district court lacked personal jurisdiction over Douglas. See, e.g., Romero v. Star Markets, Ltd., 82 Hawai'i 405, 413, 922 P.2d 1018, 1026 (App. 1996); In re Lease Cancellation of Smith, 68 Haw. 466, 471, 719 P.2d 397, 401 (1986). Therefore,

IT IS HEREBY ORDERED that the order from which the appeal is taken is vacated.

DATED: Honolulu, Hawai'i, June 8, 2005.

On the briefs:

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