

*** NOT FOR PUBLICATION ***

NO. 27358

IN THE SUPREME COURT OF THE STATE OF HAWAII

FREDDY NOBRIGA ENTERPRISES, INC. and ALFRED NOBRIGA,
Plaintiffs/Counterclaim-Defendants-Appellants,

vs.

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS,
MICAHA KANE and LINDA CHINN,
Defendants/Counterclaimants-Appellees.

FILED
2005 SEP 22 AM 8:42
CLERK OF APPELLATE COURTS
STATE OF HAWAII
FOR RIMANDO

APPEAL FROM THE THIRD CIRCUIT COURT, HILLO
(CIV. NO. 03-1-0217)

ORDER DISMISSING APPEAL

(By: Nakayama, J. for the court¹)

Upon review of the statements supporting and contesting jurisdiction, appellee's motion to dismiss appeal, the papers in support and in opposition and the record, it appears that final judgment has not been entered in Civil No. 03-1-0217. The March 14, 2005 order granting defendant's motion for a temporary restraining order and denying plaintiffs' counter motion for a preliminary injunction is not a final order immediately appealable under the collateral order or Forgay doctrines. Thus, we lack jurisdiction. See HRS § 641-1(a). Therefore,

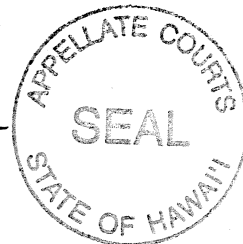
IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawaii, September 22, 2005.

FOR THE COURT:

Anna U. Nakayama

Associate Justice



¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.