

NO. 27448

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PEARL GROVES, JOAN ELLIOTT, RICHARD ELLIOTT,
STEPHANIA GIBB, and THOMAS GIBB, Plaintiffs-Appellees

vs.

OUTRIGGER HOTELS HAWAII dba OUTRIGGER HOTELS & RESORTS,
Defendant-Appellant
(NO. 27448)

PEARL GROVES, JOAN ELLIOTT, RICHARD ELLIOTT,
STEPHANIA GIBB, and THOMAS GIBB, Plaintiffs-Appellants

vs.

OUTRIGGER HOTELS HAWAII dba OUTRIGGER HOTELS & RESORTS,
Defendant-Appellee
(NO. 27563)

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P. NO. 05-1-0202)

ORDER

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

ORDER DENYING MOTION TO DISMISS APPEAL

(By: Duffy, J. for the court¹)

Upon consideration of appellees' motion to dismiss appeal, the papers in support and in opposition and the record, it appears that the motion to compel arbitration was properly filed as an initial motion in the circuit court and designated a special proceeding. See HRS §§ 658A-5(b) and 658A-7(e); RCCSH 1. The motion was disposed by the July 13, 2005 order granting the

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

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STATE OF HAWAII
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motion, which disposed of the special proceeding and which was reduced to the August 24, 2005 separate judgment pursuant to HRC P 58. The August 24, 2005 judgment is a final judgment in the special proceeding that is appealable pursuant to HRS § 641-1(a). The August 12, 2005 notice of appeal from the July 13, 2005 order is considered a timely appeal of the August 24, 2005 judgment. See HRAP 4(a)(2). The July 13, 2005 order is reviewable on appeal of the August 24, 2005 judgment. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss appeal is denied.

DATED: Honolulu, Hawai'i, January 11, 2006.

FOR THE COURT:

James E. Dubby, Jr.
Associate Justice



Roger S. Moseley,
Christopher J. Muzzi
and Renee M. Furuta
for plaintiffs-appellees
on the motion

Andrew Beaman
for defendant-appellant
in opposition