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Intermediate Court of Appeals
CAAP-18-0000315
16-MAY-2019
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NO. CAAP-18-0000315

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

RICHARD TAYLOR, JR., Plaintiff-Appellant,
v.
CRUDELE and DE LIMA, ATTORNEYS AT LAW, ROBERT J. CRUDELE,
BRIAN J. DE LIMA, Defendants-Appellees,
and
JOHN DOES 1-20; JANE DOES 1-20;
DOE PARTNERSHIPS 1-20; DOE CORPORATIONS 1-20;
and DOE ENTITIES 1-20, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 16-1-344)

ORDER DENYING MOTION TO DISMISS APPEAL WITHOUT PREJUDICE
(By: Ginoza, Chief Judge, Fujise and Reifurth, JJ.)

Upon consideration of the document titled "Dismiss Appeal 'Without Prejudice'", filed on March 14, 2019, by Plaintiff-Appellant Richard K. Taylor, Jr. (**Taylor**), *pro se*, the papers in support, and the record, it appears that Taylor seeks to dismiss this appeal without prejudice because he filed a Hawaii Rules of Civil Procedure (**HRCP**) Rule 60 motion in the Circuit Court of the Third Circuit (**circuit court**), but he seeks to reserve his right "to entertain this case CAAP-18-0000315 in the event [he] Must Defend this Appeal in the Future."

We note that dismissal of this appeal may prejudice Taylor because we may be unable to review the merits of his

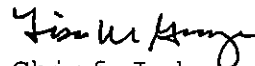
current appeal. The basis for Taylor's HRCF Rule 60 motion is not clear. To the extent it is based on HRCF Rule 60(b), there are procedures for the circuit court to consider a HRCF Rule 60(b) motion while an appeal is pending. See Life of the Land v. Ariyoshi, 57 Haw. 249, 252, 553 P.2d 464, 466 (1976) (explaining procedure for a HRCF Rule 60(b) motion while an appeal is pending).

Therefore, IT IS HEREBY ORDERED that:

(1) Taylor's motion to "Dismiss Appeal 'Without Prejudice'", filed March 14, 2019, is denied without prejudice;

(2) Should Taylor still wish to dismiss this appeal in light of the above, he may file another motion.

DATED: Honolulu, Hawai'i, May 16, 2019.


Chief Judge


Associate Judge


Associate Judge