

NO. 25254

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JAMES DOUGLAS KEAUKOU ING, ROBERT KALANI UICHI KIHUNE, CONSTANCE
HEE LAU, DIANE JOYCE PLOTTS, and CHARLES NAINOA THOMPSON, in
their capacities as Trustees of Kamehameha Schools Bishop Estate,
Plaintiffs-Appellants

vs.

MARGARET WEST EVANSON aka Margaret West Mahoney, JAMES FERGUSON
SMALL, JAMES RADFORD SMALL, SARAH KAREN YORE, also known as Karen
S. Yore, Individually and as Trustee under that certain
Declaration of Trust of Karen S. Yore Trust, dated November 15,
1986; DENNIS WEST MAHONEY and FREDERICK WILLIAM MAHONEY, JR., Co-
Trustees under that certain Revocable Trust of Margaret West
Mahoney dated August 17, 1978, and FREDERICK WILLIAM MAHONEY,
JR., and DENNIS WEST MAHONEY, Co-Trustees under that certain
Irrevocable Trust of Margaret West Mahoney dated December 29,
1982, Defendants-Appellees

and

JOHN DOES 1-50; JANE DOES 1-50, DOE PARTNERSHIPS 1-50, DOE
CORPORATIONS 1-50, DOE ENTITIES 1-50, and DOE GOVERNMENTAL UNITS
1-50, Defendants

and

JAMES RADFORD SMALL; SARAH KAREN YORE; AND FREDERICK WILLIAM
MAHONEY, JR. AND DENNIS WEST MAHONEY, Co-Trustees of the
Irrevocable Trust of Margaret West Mahoney dated December 29,
1982, Counterclaimants

vs.

JAMES DOUGLAS KEAUKOU ING, ROBERT KALANI UICHI KIHUNE, CONSTANCE
HEE LAU, DIANE JOYCE PLOTTS, and CHARLES NAINOA THOMPSON, in
their capacities as Trustees of Kamehameha Schools Bishop Estate,
Counterclaim Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 00-1-3758)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we do not have appellate jurisdiction over Plaintiffs/Counterclaim Defendants/Appellants James Douglas Keauhou Ing, Robert Kalani Uichi Kihune, Constance Hee Lau, Diane Joyce Plotts, and Charles Nainoa Thompson's interlocutory appeal from the July 12, 2002 "Order Regarding Retention of Jurisdiction by Court in Light of Appeal" entered by the Honorable Richard W. Pollack. As a general rule, HRS § 641-1(a) (1993) authorizes appeals only from "final judgments, orders, or decrees[.]" "Final order means an order ending the proceedings, leaving nothing further to be accomplished." Familian Northwest, Inc. v. Central Pacific Boiler & Piping, Ltd., 68 Haw. 368, 370, 714 P.2d 936, 937 (1986) (citation and internal quotation marks omitted). The July 12, 2002 order did not end the proceedings. Furthermore, the July 12, 2002 order does not satisfy all three requirements for appealability under the collateral order doctrine. Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 322, 966 P.2d 631, 634 (1998). Therefore, the July 12, 2002 order is not an appealable final order pursuant to HRS § 641-1(a) (1993), and this appeal is premature. Accordingly,

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

DATED: Honolulu, Hawai'i, November 19, 2002.