

NO. 27935

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

Q BRITT CORMIER, Appellant-Appellant,
v.

THE STATE OF HAWAI'I DEPARTMENT OF LABOR AND INDUSTRIAL
RELATIONS UNEMPLOYMENT DIVISION & FIFTY OTHER STATE OF
HAWAII'I AGENCIES, EMPLOYEES, AGENT, COLLECTIVELY AND
INDIVIDUALLY, Appellees-Appellees

APPEAL FROM CIRCUIT COURT OF THE FIRST CIRCUIT
(Civ. No. 05-1-1184)

ORDER OF DISMISSAL

(By: Burns, C.J., Lim and Foley, JJ.)

Upon review of the record, it appears that we do not have jurisdiction over Appellant-Appellant Q Britt Cormier's (Appellant Cormier) appeal from the April 11, 2006 judgment. "When a written judgment, order, or decree ends the litigation by fully deciding all rights and liabilities of all parties, leaving nothing further to be adjudicated, the judgment, order, or decree is final and appealable." Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 426, 984 P.2d 1251, 1252 (1999) (citation omitted). The April 11, 2006 judgment ended the litigation by fully deciding the rights of all the parties. Therefore, the April 11, 2006 judgment was an appealable final judgment under HRS § 383-41 (Supp. 2005), HRS § 91-15 (1993), and HRS § 641-1(a) (Supp. 2005). However, Appellant Cormier did not file her May 15, 2006 notice of appeal within thirty days after entry of the April 11,

EM. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 JUL 21 AM 8:13

FILED

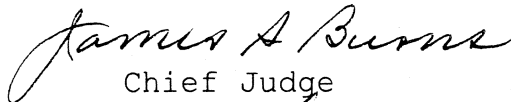
NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

2006 judgment, and, thus, violated the thirty-day time limit under Rule 4(a)(1) of the Hawai'i Rules of Appellate Procedure (HRAP) for filing a notice of appeal. Therefore, Appellant Cormier's May 15, 2006 notice of appeal was not timely.

The failure to file a timely notice of appeal in a civil matter is a jurisdictional defect that the parties cannot waive and the appellate courts cannot disregard in the exercise of judicial discretion. Bacon v. Karlin, 68 Haw. 648, 650, 727 P.2d 1127, 1128 (1986); HRAP Rule 26(b) ("[N]o court or judge or justice thereof is authorized to change the jurisdictional requirements contained in Rule 4 of [the HRAP]."). Therefore,

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

DATED: Honolulu, Hawai'i, July 21, 2006.


Chief Judge


Associate Judge


Associate Judge