

NO. 28334

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

LYNN AKATSUKA, Plaintiff-Appellee,
v.
INSTANT CONCRETE FACILITIES CORPORATION; DOES 1-10,
Defendants-Appellants

FILED
2007 MAR 20 AM 10:41
EVA RIMANDO
CLERK APPELLATE COURTS-
STATE OF HAWAII

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CASE NO. 1RC06-1-3928)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we do not have jurisdiction over Defendant-Appellant Instant Concrete Facilities Corporation's (Appellant Instant Concrete Facilities Corporation) appeal from the Honorable Christopher P. McKenzie's December 7, 2006 "Order Denying Defendant Instant Concrete Facilities Corporation's Motion to Set Aside default," because Appellant Instant Concrete Facilities Corporation's December 26, 2006 notice of appeal appears to be invalid.

David L. Horne (David Horne) is not a party in this case. Nevertheless, it appears that David Horne attempted to assert this appeal on behalf of Appellant Instant Concrete Facilities Corporation because David Horne signed Appellant Instant Concrete Facilities Corporation's December 26, 2006

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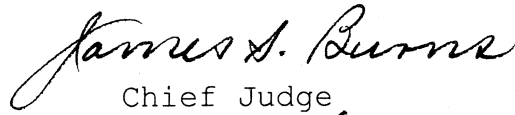
notice of appeal. David Horne is not licensed to practice law in the State of Hawai'i. Under HRS § 605-2 (1993) and HRS § 605-14 (1993), persons who are not licensed to practice law in Hawai'i "are not permitted to act as attorneys and represent other natural persons in their causes." Oahu Plumbing and Sheet Metal, Ltd. v. Kona Construction, Inc., 60 Haw. 372, 377, 590 P.2d 570, 573 (1979) (citation and footnote omitted). "By the same token, non-attorney agents are not allowed to represent corporations in litigation, for a wholly unintended exception to the rules against unauthorized practice of law would otherwise result." Id. at 377, 590 P.2d at 574 (footnote omitted). Therefore, assuming that Appellant Instant Concrete Facilities Corporation was an independent business entity such as a corporation when David Horne signed and filed Appellant Instant Concrete Facilities Corporation's December 26, 2006 notice of appeal, David Horne was not entitled to assert an appeal on behalf of Appellant Instant Concrete Facilities Corporation. Therefore, Appellant Instant Concrete Facilities Corporation's December 26, 2006 notice of appeal appears to be invalid.

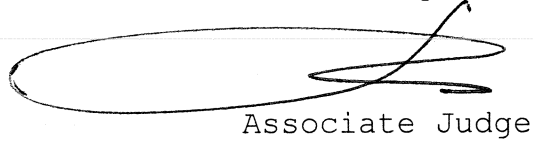
Absent a valid notice of appeal, we lack appellate jurisdiction over Appellant Instant Concrete Facilities Corporation's appeal. Accordingly,

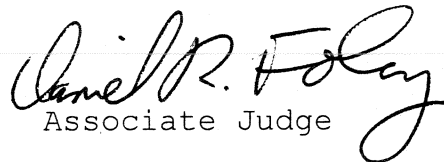
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IT IS HEREBY ORDERED that appellate court case number 28334 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 20, 2007.


Chief Judge


Associate Judge


Associate Judge