

**Electronically Filed
Intermediate Court of Appeals
CAAP-17-0000421
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NO. CAAP-17-0000421

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

JOLIE I. TAKEKAWA, Plaintiff-Appellant,
v.
TYLER N. TAKEKAWA, Defendant-Appellee.

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-D NO. 14-1-8016)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Nakamura, Chief Judge, Fujise and Chan, JJ.)

Upon review of the record, it appears that we lack appellate jurisdiction over Plaintiff-Appellant Jolie I. Takekawa's (Appellant Jolie Takekawa) appeal from the Honorable Na'unanikina'u Kamali'i's May 2, 2017 "Order and Judgment Regarding Defendant's Legal Expenses Incurred in Connection with Plaintiff's Motion in Limine No. 1 to Preclude the Testimony Related to Parenting Counseling, Filed February 10, 2017 and Plaintiff's Motion in Limine No. 2 to Preclude Testimony Related to Visitation and Timesharing, Filed February 10, 2017" (the May 2, 2017 Order) because the May 2, 2017 Order does not qualify as an independently appealable final order or decree pursuant to Hawaii Revised Statutes (HRS) § 571-54 (2006), under which "[a]n interested party aggrieved by any order or decree of the court may appeal to the intermediate appellate court for review of questions of law and fact upon the same terms and conditions as

in other cases in the circuit court[" (Emphasis added). In circuit court cases, aggrieved parties may appeal from "final judgments, orders or decrees[" HRS § 641-1(a) (2016). Under Hawai'i case law, a family court divorce case is eligible for appellate review under HRS § 571-54 only after the family court enters a final judgment, order or decree that dissolves the marriage. Eaton v. Eaton, 7 Haw. App. 111, 118-19, 748 P.2d 801, 805 (1987) (footnote omitted). The May 2, 2017 Order is not independently appealable under HRS § 571-54 and the holding in Eaton v. Eaton because the family court has not yet dissolved the marriage between Appellant Jolie Takekawa and Appellee Tyler Takekawa.

Absent an appealable final judgment, order or decree, we lack appellate jurisdiction over appellate court case number CAAP-17-0000421, and Appellant Jolie Takekawa's appeal is premature. Therefore,

IT IS HEREBY ORDERED that appellate court case number CAAP-17-0000421 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, October 12, 2017.


Chief Judge


Associate Judge


Associate Judge