

NO. 22040

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MARGUERITE HANAKEAWE, aka Marguerite Hanakeawe Johnston, and
DENNIS HANAKEAWE, Plaintiffs-Appellants/Cross-Appellees

vs.

NANSAY HAWAII, INC., a Hawai'i corporation,
Defendant-Appellee/Cross-Appellant

and

STATE OF HAWAI'I, DEPARTMENT OF LAND AND NATURAL RESOURCES, et
al., Defendants-Appellees

NANSAY HAWAII, INC., a Hawai'i corporation,
Crossclaimant-Appellee/Cross-Appellant

vs.

HEIRS OF KAPENA and heirs of FRANK PIULU KAHAPEA,
Crossclaim Defendants-Appellants/Cross-Appellees

and

HEIRS OF NAAUKIUKIU, et al., Crossclaim Defendants

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 90-316K)

ORDER DENYING MOTIONS FOR RECONSIDERATION

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

Upon consideration of the motions for reconsideration of the April 11, 2002 order dismissing appeal, the papers in support and the record, it appears that: (1) mere discussions by the circuit court of an intent to enter a final judgment did not amount to an announcement of the January 21, 1999 certified judgment for purposes of HRAP 4(a)(2)(1984); (2) HRAP 4(a)(2)(1984) applies "only to a decision that will be final on

its entry" so as to exclude an appeal "taken from an order appealable only on a finding under [HRCF] Rule 54(b);" Wong v. Takeuchi, 83 Hawai'i 94, 100, 924 P.2d 588, 594 (App. 1996); (3) our December 6, 1999 order amending HRAP 4(a)(2) made the amendment "effective January 1, 2000" and did not make the amendment applicable to appeals then pending; (4) Nansay's cross-claim to quiet title against the State of Hawai'i and the State of Hawaii's claims of water, mineral and native tenant rights were substantive claims, not collateral claims, in Civil No. 90-316K; and (5) plaintiffs-appellants Marguerite Hanakeawe and Dennis Hanakeawe, et al. obtained review of their quiet title claims in their appeal of the January 21, 1999 judgment in No. 22381. Therefore,

IT IS HEREBY ORDERED that the motions for reconsideration filed by appellants Heirs of Frank Piulu Kahapea and appellants Marguerite Hanakeawe and Dennis Hanakeawe, et al. are denied.

DATED: Honolulu, Hawai'i, May 2, 2002.

Richard Naiwieha Wurdeman
for appellants Heirs of Frank
Piulu Kahapea

Stephen K. Yamashiro
for appellants Marguerite
Hanakeawe and Dennis
Hanakeawe, et al.