

NO. 25033

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

IN THE MATTER OF THE MASUO HAMAOKA REVOCABLE LIVING TRUST
DATED OCTOBER 16, 1990

BARBARA K. MOSIER, CLYDE HIGASHI, and JEANNE H. NOZAWA,
Petitioners-Appellants

vs.

FIRST HAWAIIAN BANK, TRUSTEE OF MASUO HAMAOKA
REVOCABLE LIVING TRUST, PETER KAWAOKA, and DOROTHY I. KAWAOKA,
Respondents-Appellees

and

HERBERT R. HAMAOKA, ERNEST N. NAKAGAWA, FRANCES K. ITO,
THELMA NAKAGAWA, HELEN N. NAKAGAWA, ELSIE H. NAKAGAWA,
AMY K. NAKAGAWA, NANCY NAKAGAWA, KAZUO KONDO and TAKEO KONDO,
Beneficiaries-Appellees

and

RESPONDENT DOE INDIVIDUALS, PARTNERSHIPS,
CORPORATIONS, AND LLCs 1-20, Respondents
(No. 25033 (Trust No. 01-1-0128))
(No. 25034 (Trust No. 01-1-0067))

APPEALS FROM THE FIRST CIRCUIT COURT
(TRUST NOS. 01-1-0128 and 01-1-0067)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that, as to In re Masuo Hamaoka Revocable Living Trust Dated October 16, 1990, T. No. 00-1-0128, the March 12, 2002 judgment finally determined the petition for which the judgment was entered, but did not finally conclude the entire trust proceeding in In re Masuo Hamaoka Revocable Living Trust Dated October 16, 1990, T. No. 00-1-0128, because Respondent-Appellee First Hawaiian Bank's June 27, 2001 "Petition for Approval of Trustees Accounting for the Period of

August 1, 1999 through June 1, 2001" was still pending. Likewise, as to In re Shizuko Hamaoka Revocable Living Trust Dated October 16, 1990, T. No. 01-1-0067, the March 12, 2002 judgment finally determined the petition for which the judgment was entered, but did not finally conclude the entire trust proceeding in In re Shizuko Hamaoka Revocable Living Trust Dated October 16, 1990, T. No. 01-1-0067, because Respondent-Appellee First Hawaiian Bank's June 27, 2001 "Petition for Approval of Trustees Accounting for the Period of October 1, 1999 through June 1, 2001" was still pending. In both of the trust proceedings, the probate court, the Honorable Colleen K. Hirai presiding, did not certify either of the two March 12, 2002 judgments for appeal in the manner provided by Rule 54(b) of the Hawai'i Rules of Civil Procedure (HRCP), as Rule 34(a) of the Hawai'i Probate Rules (HPR) requires under these circumstances. Absent such certification, the consolidated appeals from the two March 12, 2002 judgments are premature and we lack jurisdiction. See HPR 34(a); HRCP 54(b); HRS § 641-1(a) (1993). Therefore,

IT IS HEREBY ORDERED that the consolidated appeals by Petitioners-Appellants Barbara K. Mosier, Clyde Higashi, and Jeanne H. Nozawa in supreme court case numbers 25033 and 25034 are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, July 25, 2002.