

NO. 25250

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MARGARET WALKER, as TRUSTEE OF THE JAMES E. WALKER TRUST,
Plaintiff-Appellee,

vs.

JAMES E. WALKER, JR., and RICHARD S. WALKER, Successor Trustees
under the VAN DELIA M. WALKER TRUST dated February 28, 1990,
Defendants-Appellants,

and

JOHN DOES 1-10, JANE DOES 1-10, and DOE ENTITIES 1-10, as
Successor Trustees of THE JAMES E. WALKER TRUST dated February
28, 1990; and ASTORIA FEDERAL SAVINGS,

and

JAMES E. WALKER, JR., and RICHARD S. WALKER, Successor Trustee
under the VAN DELIA M. WALTER TRUST, dated February 28, 1990,
Counterclaimant-Appellants,

vs.

MARGARET WALKER, as TRUSTEE OF THE JAMES E. WALKER TRUST,
Counterclaim Defendant-Appellee,

and

JAMES E. WALKER, JR., and RICHARD S. WALKER, Successor Trustees
under the VAN DELIA M. WALKER TRUST dated February 28, 1990,
Third-Party Plaintiffs-Appellants,

vs.

JOHN DOES 1-10, JANE DOES 1-10, and DOE ENTITIES 1-10, as ACTING
PERSONAL REPRESENTATIVE FOR THE ESTATE OF JAMES E. WALKER,
deceased, Third-Party Defendant

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 02-1-0857-04)

ORDER DISMISSING APPEAL

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

Upon review of the statements supporting and contesting jurisdiction, the motion to dismiss the appeal, the papers in support and in opposition, and the record, it appears that we do not have jurisdiction over the appeal from the July 16, 2002 "Order (1) Denying Motion to Disqualify the Law Firm of Carlsmith Ball from Representing Plaintiff Due to Conflict of Interest Based on Mootness; and (2) Staying Case and Ordering Parties to Settlement Conference Before the Honorable Colleen Hirai[.]"

Pursuant to HRS § 641-1(a) (1993), we

may hear appeals from only a final judgment, order, or decree, except as otherwise provided by law. . . . Such judgment, order or decree, however, need not be the final decision in the case, nor is it necessary that it conclude all rights that are the subject of the litigation. . . . What determines the finality of an order or decree for purposes of appeal is the nature and effect of the order or decree. . . . Thus, . . . we have held that certain collateral orders affecting rights which are independent of, and separable from, the rights asserted in the main action, are immediately appealable since they may not be effectively reviewable and rights could be lost, perhaps irretrievably, if review invariably had to await final judgment. . . .

In order to fall within the narrow ambit of the collateral order doctrine, the order must [1] conclusively determine the disputed question, [2] resolve an important issue completely separate from the merits of the action, and [3] be effectively unreviewable on appeal from a final judgment.

Siangco v. Kasadate, 77 Hawai'i 157, 160, 883 P.2d 78, 81 (1994) (citations, internal quotation marks, and some original brackets omitted). The July 16, 2002 order does not satisfy all of the requirements for appealability under the collateral order doctrine. Therefore, the appeal is premature, and we lack

jurisdiction. Accordingly,

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

DATED: Honolulu, Hawai'i, November 8, 2002.