

*** NOT FOR PUBLICATION ***

NO. 25744

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JOHN EDDIE HORNER, Plaintiff-Appellant

vs.

JULIE-ANN MEHANA AIO HORNER, Defendant-Appellee

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-D NO. 99-3969)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the the family court's November 26, 2002 order did not finally determine the August 22, 2002 motion for post-decree relief inasmuch as the issue of reimbursement of legal expenses was explicitly left for later determination. A determination of the legal expenses issue does not appear on the record of FC-D No. 99-3969 and absent such determination, the appeal of the November 26, 2002 order is premature. See Familian Northwest Inc. v. Central Pacific Boiler & Piping, Ltd., 68 Haw. 368, 714 P.2d 936 (1986) (a post-judgment order is an appealable final order under HRS § 641-1(a) if it finally ends the post-judgment proceeding, leaving nothing further to be determined). Therefore,

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

DATED: Honolulu, Hawai'i, July 3, 2003.