

*** NOT FOR PUBLICATION ***

NO. 25939

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLIAM SULLIVAN, as next friend for Reubyn W. Buentipo, Jr., a
minor, and Reubyn W. Buentipo, Sr., individually,
Plaintiffs-Appellees/Cross-Appellants

vs.

STATE OF HAWAI'I, CITY AND COUNTY OF HONOLULU,
Defendants-Appellants/Cross-Appellees

and

JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10, and DOE
PARTNERSHIPS 1-10, Defendants

and

CITY AND COUNTY OF HONOLULU,
Third-Party Plaintiff-Appellant/Cross-Appellee

vs.

KIMBERLY PADA, Third-Party Defendant

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 97-4036)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the notice of appeal from the January 10, 2003, January 24, 2003 and January 29, 2003 interlocutory orders must have been filed within thirty days after entry of the orders, not within thirty days after entry of the June 20, 2003 amended certification orders. See HRAP 4(a)(1)(2001); King v. Wholesale Produce Dealers Ass'n, 69 Haw. 334, 335, 741 P.2d 721, 722 (1987) ("It is necessary for a party wanting to take an interlocutory appeal to move for an order allowing the appeal, for the court to enter the order and for the appellant to file the notice of appeal all within 30 days

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from the filing of the order appealed from, unless the time for appeal is extended pursuant to HRAP 4(a)[(4)]." "The order appealed from on an interlocutory appeal is not made final, for any purpose, by the allowance of the interlocutory appeal and the time period runs from the entry of the order, not from the allowance of the appeal."). The notices of appeal filed on July 2, 2003, July 17, 2003 and July 18, 2003 were filed more than thirty days after entry of the interlocutory orders appealed. The notices of appeal are untimely and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that the appeals by the plaintiffs, by defendant State of Hawai'i and by defendant City and County of Honolulu are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, October 17, 2003.