

SUPREME COURT OF THE STATE OF HAWAI‘I

Bailey v. Duvauchelle, 135 Haw. 482

353 P.3d 1024 (2015) · No. SCWC-14-0000883 · Decided June 29, 2015

SUMMARY

The Hawai‘i Supreme Court held that an order denying a motion under Hawai‘i Rules of Civil Procedure Rule 60(b) is not appealable when the underlying ruling from which relief was sought was not an appealable final judgment. The court applied Hawai‘i’s bright-line requirements for final judgments involving multiple claims or parties and affirmed dismissal of the appeal for lack of appellate jurisdiction.

CASE DETAILS

COURT	Supreme Court of the State of Hawai‘i
WRITING FOR THE COURT	Mark E. Recktenwald, Chief Justice; Paula A. Nakayama, Justice; Sabrina S. McKenna, Justice; Richard W. Pollack, Justice; Michael D. Wilson, Justice
JURISDICTION	Hawaii
DECIDED	June 29, 2015
DOCKET	SCWC-14-0000883
DISPOSITION	affirmed
PROCEDURAL POSTURE	Duvauchelle sought certiorari review of the Intermediate Court of Appeals' dismissal of his appeal from an order denying his purported Hawai‘i Rules of Civil Procedure Rule 60(b) motion. The Supreme Court reviewed whether the order was appealable when the underlying judgment did not satisfy Hawai‘i’s finality requirements.
STANDARD OF REVIEW	The existence of appellate jurisdiction is a question of law reviewed de novo under the right/wrong standard.
PRECEDENTIAL VALUE	Published opinion; precedential Hawai‘i Supreme Court decision.
PARTIES	Burrelle David Duvauchelle, Trustee Under Duvauchelle Family Trust U/D/T Dated August 14, 2008 v. Zachary Fred Bailey

TOPICS

- appellate jurisdiction
- final judgment rule
- writ of certiorari
- appellate procedure
- real estate

PRACTICE AREAS

civil procedure

appellate procedure

real estate

QUESTIONS PRESENTED

1. Whether an order deciding a motion purportedly filed under Hawai‘i Rules of Civil Procedure Rule 60(b) is appealable when the underlying ruling from which relief is sought was not an appealable final judgment.
2. Whether Rule 60(b) relief and the associated timing requirements apply before entry of an underlying judgment that satisfies the finality requirements of Jenkins and Hawai‘i Rules of Civil Procedure Rules 54 and 58.

HOLDINGS

1. An order deciding a motion purportedly filed under HRCF Rule 60(b) is interlocutory and not appealable when the underlying ruling from which relief is sought is not an appealable final judgment.
2. Until an appealable final judgment is entered, the timing requirements that would otherwise apply to a Rule 60(b) motion do not commence.

KEY QUOTATIONS

“We hold that such an order is not appealable.” (135 Haw. at 482)

“We now hold that relief under HRCF Rule 60(b) requires an underlying judgment that comports with the principles of finality set forth in Jenkins.” (135 Haw. at 496)

“In sum, relief under HRCF Rule 60(b) requires an underlying judgment that comports with the principles of finality set forth in Jenkins.” (135 Haw. at 503)

FACTUAL BACKGROUND

Bailey alleged that he owned a Moloka‘i flag-lot parcel and that Duvauchelle, who owned an adjacent parcel, trespassed on and interfered with Bailey's use and possession of the property. The circuit court entered judgment declaring Bailey the fee-simple owner and rejecting Duvauchelle's claimed interest. After the circuit court dismissed the remaining claims, Duvauchelle sought relief based on purportedly newly discovered survey evidence and other grounds under Rule 60(b).

PROCEDURAL HISTORY

The circuit court entered a Rule 54(b) judgment resolving Bailey's declaratory-relief claim concerning title to the property, and the ICA affirmed that judgment. The circuit court later dismissed the remaining claims, but its purported final judgment did not comply with the final-judgment requirements established in *Jenkins v. Cades Schutte Fleming & Wright*. The ICA dismissed Duvauchelle's appeal from that judgment and later dismissed his appeal from the denial of his Rule 60(b) motion because the underlying judgment was not appealable. The Supreme Court affirmed the second dismissal.

DISPOSITION

affirmed

CASES CITED

- Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai‘i 115, 869 P.2d 1334 (1994) (per curiam)
- Ditto v. McCurdy, 103 Hawai‘i 153, 80 P.3d 974 (2003)
- Cho v. State, 115 Hawai‘i 373, 168 P.3d 17 (2007)
- United States v. Martin, 226 F.3d 1042 (9th Cir. 2000)
- United States v. Baus, 834 F.2d 1114 (1st Cir. 1987)
- Carter v. Beverly Hills Savings & Loan Ass’n, 884 F.2d 1186 (9th Cir. 1989)
- Ueoka v. Szymanski, 107 Hawai‘i 386, 114 P.3d 892 (2005)
- Pioneer Mill Co. v. Ward, 34 Haw. 686 (Haw. Terr. 1938)
- Carlisle v. One (1) Boat, 119 Hawai‘i 245, 195 P.3d 1177 (2008)
- Amantiad v. Odum, 90 Hawai‘i 152, 977 P.2d 160 (1999)
- Crown Properties, Inc. v. Financial Security Life Insurance Co., 6 Haw. 105, 712 P.2d 504 (App. 1985)
- Tradewinds Hotel, Inc. v. Cochran, 8 Haw. App. 256, 799 P.2d 60 (1990)

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