

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

Keahi v. Agena

Keahi · No. CAAP-XX-XXXXXXX · Decided January 14, 2026

SUMMARY

The Hawai‘i Intermediate Court of Appeals dismissed Kona Wong Kapule’s appeal for lack of appellate jurisdiction. The court held that the circuit court’s oral order denying a motion to quash was not appealable, and that no final judgment, interlocutory appeal authorization, collateral-order exception, or Forgay doctrine supported jurisdiction.

CASE DETAILS

|                       |                                                                                                                                                                                                                         |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Intermediate Court of Appeals of the State of Hawai‘i                                                                                                                                                                   |
| WRITING FOR THE COURT | Karen T. Nakasone; Sonja M.P. McCullen; Kimberly T. Guidry                                                                                                                                                              |
| JURISDICTION          | Intermediate Court of Appeals of the State of Hawai‘i                                                                                                                                                                   |
| DECIDED               | January 14, 2026                                                                                                                                                                                                        |
| DOCKET                | CAAP-XX-XXXXXXX                                                                                                                                                                                                         |
| DISPOSITION           | dismissed                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Kapule appealed from the Circuit Court of the Fifth Circuit's oral order denying his special appearance and motion to quash an amended complaint. Keahi moved to dismiss the appeal for lack of appellate jurisdiction. |
| STANDARD OF REVIEW    | The court determined de novo whether it had appellate jurisdiction and whether the challenged order was appealable.                                                                                                     |
| PRECEDENTIAL VALUE    | Unpublished; not for publication in the West's Hawai‘i Reports and Pacific Reporter.                                                                                                                                    |
| PARTIES               | Kona Wong Kapule v. Alvin K. Keahi, Audrey Agena, Milton K.C. Ching                                                                                                                                                     |

TOPICS

- appellate jurisdiction
- final judgment rule
- interlocutory appeal
- appellate procedure
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

## QUESTIONS PRESENTED

1. Whether the Circuit Court's oral order denying Kapule's special appearance and motion to quash was appealable.
2. Whether the Intermediate Court of Appeals had appellate jurisdiction under the final-judgment rule, the interlocutory-appeal statute, or the collateral-order or Forgay doctrines.

## HOLDINGS

1. The oral order was not appealable because a minute order is not an appealable order, and the challenged oral order was not a decision that could be reduced to a final judgment.
2. The order was not independently appealable under the collateral-order or Forgay doctrines.

## KEY QUOTATIONS

*“A minute order is not an appealable order.”*

*“Therefore, IT IS HEREBY ORDERED that the motion is granted, and the appeal is dismissed for lack of jurisdiction.”*

## FACTUAL BACKGROUND

Kapule, appearing self-represented, challenged an amended complaint by filing a special appearance and motion to quash. The Circuit Court orally denied that motion. Kapule then appealed the oral order, and Keahi sought dismissal for lack of appellate jurisdiction.

## PROCEDURAL HISTORY

The Circuit Court of the Fifth Circuit orally denied Kapule's July 31, 2025 special appearance and motion to quash an amended complaint. Kapule appealed that August 28, 2025 oral order. The Intermediate Court of Appeals granted Keahi's motion to dismiss because the order was not appealable and the court lacked appellate jurisdiction.

## DISPOSITION

dismissed

## CASES CITED

- *Abrams v. Cades, Schutte, Fleming & Wright*, 88 Hawai‘i 319, 321 n.3, 966 P.2d 631, 633 n.3 (1998)
- *Jenkins v. Cades Schutte Fleming & Wright*, 76 Hawai‘i 115, 119, 869 P.2d 1334, 1338 (1994)
- *Greer v. Baker*, 137 Hawai‘i 249, 253, 369 P.3d 832, 836 (2016)
- *Brown v. Wong*, 71 Haw. 519, 795 P.2d 283 (1990)
- *Forgay v. Conrad*, 47 U.S. 201 (1848)

## OPINION

PER CURIAM.

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER  
Electronically Filed Intermediate Court of Appeals CAAP-XX-XXXXXXX 14-JAN-2026 07:55  
AM Dkt. 34 ORD NO. CAAP-XX-XXXXXXX IN THE INTERMEDIATE COURT OF  
APPEALS OF THE STATE OF HAWAII ALVIN K. KEAHI, Plaintiff-Appellee, v. AUDREY  
AGENA; et al., Defendants-Appellees, and MILTON K.C. CHING; et al., Interested Parties-  
Appellees, and KONA WONG KAPULE, Interested Person-Appellant.

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT (CIVIL NO. 5CCV-XX-XXXXXXX) ORDER (By: Nakasone, Chief Judge, McCullen and Guidry, JJ.) Upon consideration of Plaintiff-Appellee Alvin K. Keahi's October 28, 2025 Motion to Dismiss Appeal, the papers in support and in opposition, and the record, it appears that Keahi seeks dismissal of the appeal filed by self-represented Defendant-Appellant Kona Wong Kapule for lack of jurisdiction.

Kapule appeals from the Circuit Court of the Fifth Circuit's August 28, 2025 oral order (Oral Order) denying his July 31, 2025 "Special Appearance and Motion to Quash Amended NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER Complaint." A minute order is not an appealable order. *Abrams v. Cades, Schutte, Fleming & Wright*, 88 Hawaii#i 319, 321 n.3, 966 P.2d 631, 633 n.3 (1998).

However, even if the Oral Order was reduced to a written order, this court would nonetheless lack appellate jurisdiction because the Oral Order is not a decision that could be reduced to a final judgment, see Hawaii#i Revised Statutes (HRS) § 641-1(a) (2016); Hawaii#i Rules of Civil Procedure Rules 54(b), 58; *Jenkins v. Cades Schutte Fleming & Wright*, 76 Hawaii#i 115, 119, 869 P.2d 1334, 1338 (1994), the Circuit Court has not granted Kapule leave for an interlocutory appeal under HRS § 641-1(b), and the Oral Order would not be independently appealable under the collateral-order or Forgay1 doctrines.

See *Greer v. Baker*, 137 Hawaii#i 249, 253, 369 P.3d 832, 836 (2016) (setting forth the requirements for appealability under the collateral-order and Forgay doctrines); cf. *Brown v. Wong*, 71 Haw. 519, 795 P.2d 283 (1990) (holding that an order denying the State's motion to dismiss based on sovereign immunity is not an appealable collateral order).

Therefore, IT IS HEREBY ORDERED that the motion is granted, and the appeal is dismissed for lack of jurisdiction. DATED: Honolulu, Hawaii#i, January 14, 2026. /s/ Karen T. Nakasone Chief Judge /s/ Sonja M.P. McCullen Associate Judge /s/ Kimberly T. Guidry Associate Judge 1 Forgay v. Conrad, 47 U.S. 201 (1848). 2