

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.

OPINION

PER CURIAM.

NOT FOR PUBLICATION IN WEST'S HAWAI#I REPORTS AND PACIFIC REPORTER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 HAWAI#I 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August 28, 2025 oral order (Oral Order) denying his July 31, 2025 "Special Appearance and Motion to Quash Amended NOT FOR PUBLICATION IN WEST'S HAWAI#I REPORTS AND PACIFIC REPORTER Complaint." A minute order is not an appealable order. *Abrams v. Cades, Schutte, Fleming & Wright*, 88 Hawai#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 Hawai#i Revised Statutes (HRS) § 641-1(a) (2016); Hawai#i Rules of Civil Procedure Rules 54(b), 58; *Jenkins v. Cades Schutte Fleming & Wright*, 76 Hawai#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 Hawai#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, Hawai#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