

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27972

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

LESLIE L. HAMAOKA, Plaintiff-Appellant,
v.
HYATT CORPORATION, foreign corporation doing business
under the trade name HYATT REGENCY WAIKIKI RESORT,
JILL FISHER, BONNIE KIYABU, and CARLA THOMAS,
Defendants-Appellees

NORMAL YARA
CLERK, APPELLATE COURT
STATE OF HAWAII

2006 AUG 22 AM 11:28

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CV. No. 04-1-0390)

ORDER DISMISSING APPEAL

(By: Burns, C.J., Lim and Foley, JJ.)

Upon review of the record, it appears that we lack jurisdiction over this appeal from the Honorable Randal Kwai On Lee's May 18, 2006 judgment, because the May 16, 2006 judgment is not an appealable final judgment under HRS § 641-1(a) (Supp. 2005), Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP), and the holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

Under the HRCP Rule 58 separate document rule, "[a]n appeal may be taken from circuit court orders resolving claims against parties only after the orders have been reduced to a judgment and the judgment has been entered in favor of and against the appropriate parties pursuant to HRCP [Rule] 58[.]" Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i at 119, 869 P.2d at 1338.

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[I]f a judgment purports to be the final judgment in a case involving multiple claims or multiple parties, the judgment (a) must specifically identify the party or parties for and against whom the judgment is entered, and (b) must (i) identify the claims for which it is entered, and (ii) dismiss any claims not specifically identified[.]

Id. (emphases added). "[A]n appeal from any judgment will be dismissed as premature if the judgment does not, on its face, either resolve all claims against all parties or contain the finding necessary for certification under HRCF [Rule] 54(b)."


Id.

Although Plaintiff-Appellant Leslie L. Hamaoka's complaint asserted two separate counts, each with a distinct cause of action, the May 18, 2006 judgment does not specifically identify which of the multiple claims in the complaint the May 18, 2006 judgment resolves. Therefore, the May 18, 2006 judgment does not satisfy the requirements for an appealable final judgment under HRCF Rule 58 and the holding in Jenkins v. Cades Schutte Fleming & Wright. Absent an appealable final judgment, this appeal is premature. Therefore,

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

DATED: Honolulu, Hawai'i, August 22, 2006.


Chief Judge


Associate Judge


Associate Judge