

NO. 28509

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

OCEANIC KAIMAMALA CORP., NEPHI OHAI, LEO OHAI, and VIRGINIA OHAI, Plaintiffs/Counterclaim Defendants-Appellants, STATE OF HAWAII; STATE OF HAWAII, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT; and ITS SUCCESSOR ENTITIES, Defendants/Counterclaimants-Appellees, and DOES 1-100, Defendants, and OCEANIC LIBRA CORPORATION, a Hawai'i corporation, Additional Counterclaim Defendant-Appellant, and TIARE SIMONE MARTIN, aka TIARE OHAI MARTIN; and HAWAII NATIONAL BANK, Additional Counterclaim Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Civ. No. 01-1-2505)

ORDER DISMISSING APPEAL

(By: Watanabe, Presiding J., Foley, and Fujise, JJ.)

Upon review of the record, it appears that we lack jurisdiction over Plaintiffs/Counterclaim Defendants-Appellants Oceanic Kaimamala Corp., Nephi Ohai, Leo Ohai, and Virginia Ohai and Additional Counterclaim Defendant-Appellant Oceanic Libra Corporation's (collectively, Appellants) appeal from the Honorable Karen S. S. Ahn's March 21, 2007 judgment (the Judgment) because the Judgment does not satisfy the requirements for an appealable final judgment under Hawaii Revised Statutes (HRS) § 641-1(a) (Supp. 2006), Rule 58 of the Hawai'i Rules of Civil Procedure (HRCPC), and the holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

HRS § 641-1(a) (Supp. 2006) authorizes appeals to this court from "final judgments, orders, or decrees[.]" Furthermore, under HRCPC Rule 58, "[a]n appeal may be taken . . . 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 HRCPC [Rule] 58[.]" Jenkins, 76 Hawai'i at 119, 869 P.2d at 1338.

K. HAMAKAIA
CLERK, APPELLATE COURT
STATE OF HAWAII

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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). "For example: 'Pursuant to the jury verdict entered on (date), judgment in the amount of \$____ is hereby entered in favor of Plaintiff X and against Defendant Y upon counts I through IV of the complaint.'" Id. at 119-20 n.4, 869 P.2d at 1338-39 n.4. In this manner, "[t]he 'judgment . . . must, on its face, show finality as to all claims against all parties. An appeal from an order that is not reduced to a judgment in favor of or against the party by the time the record is filed in the supreme court will be dismissed.'" Id. at 120, 869 P.2d at 1339 (footnote omitted).

Although the complaint in this case asserts two separate counts and the amended counterclaim asserts ten separate counts, the Judgment does not identify the counts on which the circuit court is entering judgment, Instead of identifying the counts, the Judgment refers to loan numbers. However, the references to loan numbers do not sufficiently identify the counts on which the circuit court is entering judgment. Under these circumstances, the Judgment does not satisfy the requirements for an appealable final judgment under HRCP Rule 58 and the holding in Jenkins. Absent an appealable final judgment, we lack appellate jurisdiction and this appeal is premature. Therefore,

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

DATED: Honolulu, Hawai'i, July 16, 2007.

Courinne K.A. Watareske

Presiding Judge

Daniel R. Foley

Associate Judge

Aewa D. M. Zujewski

Associate Judge