

NO. 24909

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JEFFREY LLOYD KIENKER and JANET LEE KIENKER, Plaintiffs-Appellees

vs.

STATE OF HAWAI'I; Defendant-Appellant

and

DANIEL BAUER; COUNTY OF HAWAI'I; and DOE DEFENDANTS 1-100,
Defendants-Appellees

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 98-033K)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that the November 26, 2001 judgment in Civil No. 98-033K, the Honorable Ronald Ibarra presiding, does not satisfy the requirements of Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP). "An 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 58[.]" Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994). "[I]f a judgment purports to be the final judgment in a case involving multiple claims or multiple parties, the judgment . . . must identify the claims for which it is entered[.]" Id. Furthermore, "if the judgment resolves fewer than all claims against all parties, . . . an appeal may be taken

only if the judgment contains the language necessary for certification under HRCP 54(b) [.]” Id. “[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 HRCP 54(b).” Id.

Although Plaintiffs-Appellees Jeffrey Lloyd Kienker and Janet Lee Kienker asserted three separate claims, the November 26, 2001 judgment does not identify the claims for which judgment was entered against Defendant-Appellee Danielle Bauer (Appellee Bauer) and Defendant-Appellant State of Hawai'i (Appellant State). Furthermore, the November 26, 2001 judgment neither identifies nor resolves the cross-claims between Appellee Bauer and Appellant State. Therefore, the November 26, 2001 judgment does not satisfy the requirements for a separate judgment under HRCP Rule 58 according to our holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i at 119, 869 P.2d at 1338. Accordingly,

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

DATED: Honolulu, Hawai'i, June 12, 2002.