

NO. 24989

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY, INC.,
Plaintiff-Appellee

vs.

EDWARD M. SHERMAN and ERNEST D. SHERMAN, dba Hawaii Pacific
Plumbing Supply, a Foreign General Partnership,
Defendants-Appellants

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 00-1-0568)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the February 12, 2002 judgment in Civil No. 00-1-0568, the Honorable Reinette W. Cooper 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. "A statement that declares 'there are no other outstanding claims' is not a judgment." Id. at 120 n.4, 869 P.2d at 1339 n.4. "[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. at 119, 869 P.2d at 1338.

Although Plaintiff-Appellee Hawaii Employers' Mutual Insurance Company, Inc., asserted two separate claims in its complaint, the February 12, 2002 judgment does not identify the claims for which judgment was entered. Therefore, the February 12, 2002 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 21, 2002.