

NO. 24972

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JOCELYN ROBELLO, Plaintiff-Appellant,

vs.

RICHARD FORD, CERTIFIED CONSTRUCTION, INC., KEVIN O'BRIEN,
Defendants-Appellees
(CIV. NO. 98-2675)

INDUSTRIAL INDEMNITY COMPANY, Plaintiff-Appellee,

vs.

RICHARD FORD, CERTIFIED CONSTRUCTION, INC., Defendants-Appellees
and

JOHN DOES 1-10, JANE ROES 1-10, DOE CORPORATIONS 1-10, DOE
PARTNERSHIPS 1-10, DOE GOVERNMENTAL ENTITIES 1-10, DOE NON-PROFIT
ENTITIES 1-10, Defendants
(CIV. NO. 97-3722)

APPEAL FROM THE COURT
(CIV. NOS. 98-2675 and 97-3722)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the distribution of proceeds in settlement of Civil Nos. 97-3722 and 98-2675 was reviewable on appeal from the final judgment entered in the actions. HRS § 641-1(a). Entry of the final judgment in Civil Nos. 97-3722 and 98-2675 occurred by entry of the December 27, 2000 stipulated dismissal with prejudice of all claims pursuant to HRCP 41(a)(1)(B). The stipulated dismissal with prejudice does not provide a jurisdictional basis for reviewing the distribution of the settlement proceeds. See 8 *Moore's Federal Practice*, § 41.34[7][b] (Matthew Bender 3d. ed.) ("A party generally may not appeal from a stipulated dismissal with

prejudice because it is not an involuntary adverse judgment.").
Thus, we lack jurisdiction over this appeal. Therefore,

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

DATED: Honolulu, Hawai'i, July 23, 2002.