

NO. 25206

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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OAHU TRANSIT SERVICES INC., Plaintiff-Appellant

vs.

NORTHFIELD INSURANCE COMPANY, Defendant-Appellee

and

ALOHA STATE CAB, INC., JOHN DOES 1-5, JOHN DOE CORPORATIONS 1-5,  
JOHN DOE PARTNERSHIPS 1-5, ROE NON-PROFIT CORPORATIONS 1-5 and  
ROE GOVERNMENTAL AGENCIES 1-5, Defendants

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NORTHFIELD INSURANCE COMPANY, Third-Party Plaintiff-Appellee

and

CITY AND COUNTY OF HONOLULU, Third-Party Defendant-Appellee

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 01-1-2923)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we do not have jurisdiction. The July 3, 2002 order does not satisfy the separate document requirement of Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP). See Oppenheimer v. AIG Hawai'i Insurance Company, 77 Hawai'i 88, 93, 881 P.2d 1234, 1239 (1994) ("[A] party cannot appeal from a circuit court order even though the order may contain [HRCP Rule] 54(b) certification language; the order must be reduced to a judgment and the [HRCP Rule] 54(b) certification language must be contained therein.").

The July 31, 2002 judgment entered by the Honorable Virginia Lea Crandall also does not satisfy the HRCP Rule 58 separate document requirement because it does not enter judgment in favor of and against the appropriate parties, does not resolve

all claims against all parties, and does not contain the finding necessary for HRCP Rule 54(b) certification. See HRCP Rule 58; Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-20, 869 P.2d 1334, 1338-39 (1994). Accordingly,

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

DATED: Honolulu, Hawai'i, October 11, 2002.