

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26787

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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RICHARD F. SMITH, Plaintiff-Appellant

vs.

LAUREN L. SMITH, Plaintiff

vs.

REBECCA NEFF, aka Rebecca Lynn Neff, aka Rebecca L. Neff, aka  
Rebecca Hakuin Neff, aka Hakuin Rose, aka Hakuin Anasazi Rose;  
and JOHN PETERKA, aka John K. Peterka, aka  
John L. Peterka, aka Streams Peterka, aka Streams Paramananda,  
Defendants-Appellees

and

DOE entities 1-10, Defendants

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APPEAL FROM THE SECOND CIRCUIT COURT  
(CIV. NO. 03-1-0293)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that Civil No. 03-1-0293 has not been resolved as to all of the plaintiffs' claims. The April 27, 2004 order granting summary judgment on the claims of plaintiff Richard Smith was not reduced to a separate judgment certified under HRCP 54(b). See HRCP 54(b) and 58; Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994) (an order that resolves some, but not all claims in a circuit court action is not appealable unless the order is reduced to separate judgment certified under HRCP 54(b)). Thus, the appeal of the April 27, 2004 order granting

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summary judgment and the August 2, 2004 order denying reconsideration is premature and we lack jurisdiction.

Therefore,

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

DATED: Honolulu, Hawai'i, January 21, 2005.