

*** NOT FOR PUBLICATION ***

NO. 26855

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JUANITA ZARAGOZA, Plaintiff-Appellant

vs.

SOTO'S SAFE & SOUND ALARM CO., Defendant-Appellee

and

CMS MONITORING, INC., a New York Corporation, JOHN DOES 1-10; DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10 and DOE ENTITIES 1-10,
Defendants

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 02-1-0123)

ORDER DISMISSING APPEAL

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

Upon review of the statements supporting and contesting jurisdiction and the record, it appears that the circuit court's July 20, 2004 order granting summary as to defendant Soto's Safe & Sound Alarm Co. has not been reduced to a separate judgment, as required by HRCP 58. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994) (an order that resolves claims in a circuit court civil case is not appealable unless the order is reduced to separate judgment pursuant to HRCP 58). Thus, the appeal of the July 20, 2004 order and the August 30, 2004 order denying relief under HRCP 59(e) is premature and we lack jurisdiction. Therefore,

***** NOT FOR PUBLICATION *****

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

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