

*** NOT FOR PUBLICATION ***

NO. 26905

IN THE SUPREME COURT OF THE STATE OF HAWAII

DEL MONTE FRESH PRODUCE (HAWAII), INC.; EDWARD C. LITTLETON;
STACIE SASAGAWA; GORDON REZENTES; and DIXON SUZUKI,
Appellants-Appellants

vs.

INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142, AFL-CIO,
Union-Appellee-Appellee

and

HAWAII LABOR RELATIONS BOARD; BRIAN K. NAKAMURA; Chairperson,
CHESTER C. KUNITAKE, Board Member; and KATHLEEN RECUYA-MARKRICH,
Board Member, Appellees-Appellees

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 04-1-0765)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the circuit court's September 21, 2004 order affirming the decision of the Hawaii Labor Relations Board has not been reduced to a separate judgment as required by HRCP 58 and 72(k). Thus, this appeal is premature and we lack jurisdiction. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994).

Therefore,

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

DATED: Honolulu, Hawai'i, January 28, 2005.