

*** NOT FOR PUBLICATION ***

NO. 27187

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DANIEL DEPARINI, Plaintiff-Appellant,

vs.

STATE OF HAWAI'I, HONORABLE BARBARA TAKASE, DEPUTY ATTORNEY
GENERAL JOANNA FONG, LAWRENCE K. MAHUNA, STANLEY KAINA, JOHN
BRISKI, POLICE SERGEANT JOHN DOE AND KEA'AU POLICE STATION,
Defendants-Appellees,

and

GOMES, PORONA & LEROY, Defendants.

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 04-1-214)

ORDER DISMISSING APPEAL

(By: Nakayama, J. for the court¹)

Upon review of the statements supporting and contesting jurisdiction and the record, it appears that the circuit court's February 24, 2005 and March 1, 2005 orders dismissing the claims against the state defendants and the county defendants were not reduced to separate certified judgments, 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 a separate judgment pursuant to HRCP 58). Thus, the appeal of the February 24, 2005 and March 1, 2005 orders is premature and we lack jurisdiction. Therefore,

¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

L.L. RIMANUDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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

DATED: Honolulu, Hawai'i, July 29, 2005.

FOR THE COURT:

Anna C. Reyes

Associate Justice

