



*** NOT FOR PUBLICATION ***

NO. 27221

IN THE SUPREME COURT OF THE STATE OF HAWAII

CLERK OF THE COURT
STATE OF HAWAII

2005 JUL 29 AM 9:38

FILED

PHILLIP C. HOYLE AND TERESA A. HOYLE, Plaintiffs-Appellants,

vs.

KAUPULEHU LAND, LLC, a Hawai'i Limited Liability Company,
Defendant-Appellee,

and

KAUPULEHU LAND, LLC, a Hawai'i Limited Liability Company,
Defendant and Third-Party Plaintiff-Appellee,

vs.

KAMUELA P & D, INC., a Hawai'i corporation, Third-Party
Defendant-Appellee.

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 02-1-0393)

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 March 9, 2005 order granting summary judgment on the complaint was not 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 a separate judgment pursuant to HRCp 58). Thus, the appeal of the March 9, 2005 order is premature and we lack jurisdiction. Therefore,

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

*** NOT FOR PUBLICATION ***

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

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

FOR THE COURT:

Samueli Nakayama

Associate Justice

