

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 28423

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

OLGA M. LANSING, Plaintiff-Appellant, v.
NANCY JENKO-CRISPIN, Defendant-Appellee

K. HAMAKAHO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 MAY 16 PM 4:04

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Civ. No. 06-1-1891)

ORDER DISMISSING APPEAL

(By: Recktenwald, C.J., Watanabe, and Foley, JJ.)

Upon review of the record, it appears that we lack jurisdiction over Plaintiff/Counterclaim-Defendant/Appellant Olga M. Lansing's (Appellant) appeal from several oral rulings by the Honorable Karen N. Blondin because the Circuit Court of the First Circuit (circuit court) has not yet reduced any dispositive oral rulings to an appealable final judgment pursuant to Hawai'i Rules of Civil Procedure (HRCP) Rule 58 and the holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

Hawaii Revised Statutes § 641-1(a) (Supp. 2006) authorizes appeals from "final judgments, orders, or decrees[.]" Furthermore, under the separate document rule, "[a]n appeal may be taken from circuit court orders resolving claims against parties only after the orders have been reduced to a judgment and the judgment has been entered in favor of and against the appropriate parties pursuant to HRCP [Rule] 58[.]" Id. Thus, "an order disposing of a circuit court case is appealable when

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the order is reduced to a separate judgment." Alford v. City and County of Honolulu, 109 Hawai'i 14, 20, 122 P.3d 809, 815 (2005) (emphasis added). For example, the Hawai'i Supreme Court has held that, "[a]lthough RCCH [Rule] 12(q) [(regarding dismissal for want of prosecution)] does not mention the necessity of filing a separate document, HRCP [Rule] 58, as amended in 1990, expressly requires that 'every judgment be set forth on a separate document.'" Price v. Obayashi Hawaii Corp., 81 Hawai'i 171, 176, 914 P.2d 1364, 1369 (1996) (emphases added).

The circuit court has not reduced any of its dispositive oral rulings to an appealable final judgment, as HRCP Rule 58 requires under the holding in Jenkins. The Hawai'i Supreme Court holds that "[a]n appeal from an order that is not reduced to a judgment in favor of or against the party by the time the record is filed in the supreme court will be dismissed." Jenkins at 120, 869 P.2d at 1339 (footnote omitted). Therefore,

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

DATED: Honolulu, Hawai'i, May 16, 2007.

M. E. Reardon

Chief Judge

Corinne K. A. Watanabe

Associate Judge

Daniel R. Foley

Associate Judge