

NO. 28449

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

SHARON S. H. CHIN, Plaintiff-Appellant, v. VENETIA K.
CARPENTER-ASUI, Defendant-Appellee, and JOHN DOES 1-10,
JANE DOES 1-10, DOE PARTNERSHIPS 1-10, DOE
CORPORATIONS 1-10, and DOE ENTITIES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Civ. No. 05-1-2287)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we lack jurisdiction over Plaintiff-Appellant Sharon S. H. Chin's appeal from the Honorable Randal K. O. Lee's February 22, 2007 "Findings of Fact, Conclusions of Law and Order Granting Defendant Venetia K. Carpenter-Asui's Motion for Summary Judgment" because the circuit court has not entered a separate 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 to this court from "final judgments, orders, or decrees[.]" Furthermore, under HRCP Rule 58, "[a]n appeal may be taken . . . 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[.]" Jenkins at 119, 869 P.2d at 1338. "An 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." Id. at 120, 869 P.2d at 1339 (footnote omitted).

EMERSON
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STATE OF HAWAII

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Although the Circuit Court of the First Circuit (the circuit court) entered the February 22, 2007 summary judgment order, the circuit court has not reduced the summary judgment order to a separate judgment in favor of and against the appropriate parties pursuant to HRCF Rule 58. Absent an appealable final judgment, we lack jurisdiction over this appeal. Therefore,

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

DATED: Honolulu, Hawai'i, June 1, 2007.

Mr E Neumann

Chief Judge

Connie K A Uataxake

Associate Judge

Daniel R. Foley

Associate Judge