

NO. 23841

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LESLIE WAYNE HIN AU, VINCENT EDWARD AU, MAYLENE GRACE AU,
and MARGARET LEONG LAU and OLIVIA SING PANG AU, Trustees
for Leslie Au, Alissa Au, Vincent Au and Maylene Au, Under
That Certain Trust Indenture Dated December 28, 1967,
Filed in the Office of the Assistant Registrar of the Land
Court of the State of Hawai'i as Document No. 434719,
Petitioners-Appellants

vs.

RAINBOW REHABILITATION SERVICES, INC., Respondent-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P. NO. 00-1-0390)

ORDER DISMISSING APPEAL

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

Upon review of Appellants' statement of jurisdiction and the record, it appears that: (1) the September 13, 2000 order denying the petition for appointment of appraiser and to compel arbitration has not been reduced to a separate judgment, as required by HRCP 58; Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994) (An order disposing of claims is not appealable unless the order is reduced to a separate judgment.); (2) the September 13, 2000 order is not an appealable collateral order inasmuch the order disposes of the main action for appointment of an appraiser and to compel arbitration; and, thus, (3) this appeal is premature and we lack jurisdiction. Therefore,

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

DATED: Honolulu, Hawai'i, January 31, 2001.