

NO. 24038

IN THE SUPREME COURT OF THE STATE OF HAWAII

THE H.E. JOHNSON COMPANY, INC., Plaintiff-Appellant

vs.

EMMA INTERNATIONAL, INC., Defendant-Appellee

and

JOHN DOES 1-50, MARY DOES 1-50, DOE PARTNERSHIPS 1-50,
DOE CORPORATIONS AND OTHER ENTITIES 1-50, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 92-0384)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that: (1) the judgment entered on January 5, 2001, which purports to be the final judgment on the October 17, 2000 order granting the motion to dismiss Civil No. 92-0348, does not enter judgment in favor of and against the parties on the claims asserted in the complaint and does not dismiss the counterclaim; see Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-20, 869 P.2d 1334, 1338-39 (1994) (a judgment entered pursuant to HRCP 58 is not appealable unless it enters judgment in favor of and against the appropriate parties on the claims for which the judgment is entered and shows finality as to all claims of the parties) and thus, (2) 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, April 26, 2001.