

NO. 24181

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HEALTHY'S INC., dba DOWN TO EARTH NATURAL FOODS,
MARK FERGUSON, GEORGE JOHNSON, and
PETER VAN OSDOL, Plaintiffs-Appellants

vs.

CHRISTINE REEVES and SIRKKA AHO, Defendants-Appellees

and

CHARLES RIDLEY, SEAN McSWEENEY, BRANDY PEITERSON,
STACIE HAYNES, FRED GUNN, MICHAEL DIBBLE, DALE MICHAELS,
DAYALAN NAGALINGAM, JOHN DOES 1-10, JANE DOES 1-10,
DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, and
DOE ENTITIES 1-10, Defendants
(CIV. NO. 00-1-3187)

CHARLES RIDLEY, CHRISTINE REEVES, and
SEAN McSWEENEY, Plaintiffs

vs.

HEALTHY'S INC., dba DOWN TO EARTH NATURAL FOODS,
MARK FERGUSON, PETER VAN OSDOL, GEORGE JOHNSON
and DOE DEFENDANTS 1-10, Defendants
(CIV. NO. 00-1-3125)

DAYALAN NAGALINGAM, Plaintiff

vs.

HEALTHY'S INC., dba DOWN TO EARTH NATURAL FOODS;
MARK FERGUSON; PETER VAN OSDOL; GEORGE JOHNSON
and DOE DEFENDANTS 1-10, Defendants
(CIV. NO. 00-1-3678)

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NOS. 00-1-3187, 00-1-3125, & 00-1-3678)

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

Upon review of the record, it appears that: (1) the circuit court's February 28, 2001 order dismissing Civil No. 00-1-3187 as to defendants Christine Reeves and Sirkka Aho, the Honorable Sabrina S. McKenna, presiding, has not been reduced to a separate judgment certified under HRCP 54(b), as required by HRCP 58; see Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994) (An order that disposes of claims is not appealable unless the order is reduced to a separate judgment. The judgment must be certified under HRCP 54(b) if it disposes of less than all the claims.); 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, July 12, 2001.