

NO. 24182

IN THE SUPREME COURT OF THE STATE OF HAWAII

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

vs.

CHARLES RIDLEY, SEAN McSWEENEY,  
and FRED GUNN, Defendants-Appellees

and

CHRISTINE REEVES, SIRKKA AHO, BRANDY PEITERSON,  
STACIE HAYNES, 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)

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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)

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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)

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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 Charles Ridley, Sean McSweeney and Fred Gunn, 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.