

NO. 24307

IN THE SUPREME COURT OF THE STATE OF HAWAII

DESERT PALACE, INC., dba CAESARS PALACE,
Plaintiff-Appellee/Cross-Appellee

and

LLOYD Y. ASATO, PAULA WALASHEK, FURUTANI SATO & KOMATSUBARA,
and THE ESTATE OF CHIAKI MATSUO,
Plaintiffs Intervenors-Appellees/Cross-Appellees,

and

SUMMIT SECURITIES INC. and THE MORTGAGE GROUP INC.,
Plaintiffs Intervenors-Appellees/Cross-Appellants

vs.

P. NATHAN MINN, Defendant-Appellant/Cross-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P. NO. 00-1-0589)

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 April 26, 2001 order, the Honorable Victoria S. Marks, presiding, decides some, but not all claims in S.P. No. 00-1-0589 inasmuch it does not decide the claim for attachment by plaintiff-intervenor Furutani Sato & Komatsubara; (2) the April 26, 2001 order was not reduced to a separate judgment certified under HRCF 54(b), as required by HRCF 58; see Jenkins v. Cades Schutte Fleming & Wright, 76 Hawaii 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, (3) this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal and cross-appeal are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawaii, August 31, 2001.