

NO. 24935

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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JOHN BELLES, Plaintiff-Appellant

vs.

THE ESTATE OF MARGARET AU, Defendant-Appellee

and

WESLEY BARICUATRO, WES BARICUATRO, JOHN DOES 1-5;  
JANE DOES 1-5; DOE CORPORATIONS 1-5; DOE PARTNERSHIPS 1-5;  
DOE GOVERNMENTAL ENTITIES 1-5, Defendants

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APPEAL FROM THE SECOND CIRCUIT COURT  
(CIV. NO. 99-0279(2))

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the January 22, 2002 judgment in Civil No. 99-0279(2), the Honorable Shackley F. Raffetto presiding, does not satisfy the requirements of Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP). "An appeal may be taken from circuit court orders resolving claims against parties only after the orders have been reduced to a judgment and the judgment has been entered in favor of and against the appropriate parties pursuant to HRCP 58[.]" Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994). Furthermore, "if a judgment purports to be the final judgment in a case involving multiple claims or multiple parties, the judgment . . . must identify the claims for which it is entered[.]" Id. Although Plaintiff-Appellant John Belles' (Appellant Belles) complaint asserts three separate counts against multiple parties, the January 22, 2002 judgment does not specifically identify the claims for which it is entered, nor does it expressly enter judgment on all three of

Appellant Belles' counts. The January 22, 2002 judgment does not overcome this deficiency by providing that there are no remaining parties or claims in this case because "[a] statement that declares 'there are no other outstanding claims' is not a judgment." Id. at 119-20 n.4, 869 P.2d at 1338-39 n.4. Therefore, this appeal is premature and we lack appellate jurisdiction over this case.

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

DATED: Honolulu, Hawai'i, May 30, 2002.