

NO. 24934

IN THE SUPREME COURT OF THE STATE OF HAWAII

EDWARD A. SMITH, Plaintiff-Appellant

vs.

MAUI COUNTY POLICE DEPARTMENT, Defendant-Appellee

and

NATHAN EHRLICH, M.D., STATE FARM INSURANCE CO., MAUI HUMANE SOCIETY, JOHN DOES, JOHN DOE CORPORATIONS, PARTNERSHIPS 1-10, ROE NON-PROFIT ORGANIZATIONS, AND ROE GOVERNMENTAL AGENCIES 1-10,
Defendants

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 01-1-0590)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the circuit court's April 11, 2002 judgment, the Honorable Joseph E. Cardoza, presiding, is a judgment on the claims against one, but not all the defendants in Civil No. 01-1-0590. The judgment is not certified as a final judgment under HRCP 54(b) and the appeal of the judgment is premature. See HRS § 641-1(a); HRCP 54(b). Therefore,

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

DATED: Honolulu, Hawai'i, May 31, 2002.