

NO. 25548

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CHARLES M. BLACK,
Plaintiff/Counterclaim Defendant-Appellant/Cross-Appellee

vs.

CHRISTINA POLLACK, PAMELA LIMA, and STEPHEN P. ANDERSON,
Defendants/Counter-claimants-Appellees/Cross-Appellant

and

JOHN DOES 1-10; JANE DOES 1-10; and DOE ENTITIES 1-10, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIVIL NO. 01-1-2967)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, and Acoba, JJ.,
and Circuit Judge Ibarra, assigned by reason of vacancy)

Upon review of the record, it appears that the December 13, 2002 judgment, the Honorable Sabrina S. McKenna, presiding, purports to be final judgment in Civil No. 01-1-2967. The judgment declares that "all claims and counterclaims for partition have been resolved," but the judgment does not enter judgment in favor of and against the parties on the claims and counterclaims for partition. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994) (the separate judgment entered pursuant to HRCP 58 must enter judgment in favor of and against the parties on the claims resolved). Thus, the appeal from the December 13, 2002 judgment is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that the plaintiff's appeal and the defendants' cross-appeal are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 4, 2003.