

*** NOT FOR PUBLICATION ***

NO. 25735

IN THE SUPREME COURT OF THE STATE OF HAWAII

HERMAN B.K. LEE and SAM MOI LAU LEE,
Plaintiffs-Appellees/Cross-Appellants

vs.

YU-SEN HWANG aka JOHNSON HWANG,
Defendant-Appellant/Cross-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 01-1-2833)

ORDER DISMISSING APPEAL AND CROSS-APPEAL

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

Upon review of the record, it appears that the March 14, 2003 judgment in Civil No. 01-1-2833, the Honorable Eden Elizabeth Hifo 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 [Rule] 58[.]" Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994). "[I]f a judgment purports to be the final judgment in a case involving multiple claims . . . , the judgment . . . must . . . identify the claims for which it is entered, and . . . dismiss any claims not specifically identified[.] Id.

For example: "Pursuant to the jury verdict entered on (date), judgment in the amount of \$___ is hereby entered in favor of Plaintiff X and against Defendant Y upon counts I through IV of the complaint." A statement that declares "there are no other outstanding claims" is not a judgment. If the circuit court intends that claims other than those listed in the judgment language should be dismissed, it must say so; for example, "Defendant Y's counterclaim is dismissed," or "Judgment upon Defendant Y's counterclaim is

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entered in favor of Plaintiff/Counter-Defendant Z," or "all other claims, counterclaims, and cross-claims are dismissed."

Id. at 119-20 n.4, 869 P.2d at 1338-39 n.4 (emphasis added). "[A]n appeal from any judgment will be dismissed as premature if the judgment does not, on its face, either resolve all claims against all parties or contain the finding necessary for certification under HRCF [Rule] 54(b)." Id. at 119, 869 P.2d at 1338 (emphasis added).

Although Plaintiffs/Appellees/Cross-Appellants Herman B.K. Lee and Sam Moi Lau Lee's (the Lee Appellees) amended complaint asserts two separate causes of action against Defendant/Appellant/Cross-Appellee Yu-Sen Hwang, AKA Johnson Hwang (Appellant Hwang), the March 14, 2003 judgment does not specifically identify the claim or claims for which it is entered. A HRCF Rule 58 judgment must, on its face, identify and dispose of all claims. A conclusory statement, that the judgment resolves all claims as to all parties claims, does not suffice. Therefore, the March 14, 2003 judgment does not satisfy the requirements of HRCF Rule 58 according to our holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i at 119, 869 P.2d at 1338. Appellant Hwang's appeal and the Lee Appellees' cross-appeal are premature. Accordingly,

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

DATED: Honolulu, Hawai'i, July 11, 2003.