

*** NOT FOR PUBLICATION ***

NO. 25996

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WALTER JOHN KELLY, CHARLES ROSS FLAHERTY, JR., PATRICK M. CUNNINGHAM, MICHELE CONSTANS WILKINS, Plaintiffs-Appellees

and

PROTECT KEOPUKA OHANA, a Hawai'i non-profit corporation,
Plaintiff-Appellee/Cross-Appellant

vs.

1250 OCEANSIDE PARTNERS, a Hawai'i corporation, Defendant-Appellant

and

STATE OF HAWAI'I, DEPARTMENT OF HEALTH, a Department of the State of Hawai'i, BRUCE ANDERSON in his official capacity as the director of the State of Hawai'i DEPARTMENT OF HEALTH, Defendants-Appellees/Cross-Appellants

and

DEPARTMENT OF LAND AND NATURAL RESOURCES; GILBERT AGARAN, in his official capacity as the Director of the State of Hawaii DEPARTMENT OF LAND AND NATURAL RESOURCES; KALA'AU WAHILANI, in his official and personal capacity as a Historic Sites Specialist of the DLNR; NA ALA HELE, DLNR; DON HIBBARD Ph.D., in his official capacity as the Administrator of the STATE HISTORIC PRESERVATION DIVISION of the DLNR; LAND USE COMMISSION; COUNTY OF HAWAII; CHRISTOPHER YUEN in his capacity as the Planning Director for the County of Hawai'i; DENNIS LEE in his official capacity as the Chief Engineer, County of Hawai'i, Defendants-Appellees

and

JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS, PARTNERSHIPS, GOVERNMENTAL UNITS OR OTHER ENTITIES 1-20, Defendants

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 00-1-0192K)

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ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the judgment entered on June 26, 2003 purports to be the final judgment on the claims asserted in Counts II, V, VI and VII of the Fifth Amended Complaint, but the judgment does not identify the parties for whom the judgment is entered and does not enter judgment in favor of and against those parties, as required by Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-120, 869 P.2d 1334, 1338-39 (1994) ("[I]f a judgment purports to be the final judgment in a case involving multiple claims or multiple parties, the judgment must specifically identify the party or parties for and against whom the judgment is entered and must identify the claims for which it is entered[.]"). Thus, this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that the appeals by defendant-appellant 1250 Oceanside Partners, cross-appellant Protect Keopuka Ohana and cross-appellant State of Hawai'i Department of Health and Bruce Anderson are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, November 25, 2003.