

*** NOT FOR PUBLICATION ***

NO. 26251

IN THE SUPREME COURT OF THE STATE OF HAWAII

DIPLOMAT TOURS AND TRAVEL INC., Plaintiff-Appellee

vs.

MARILOU T. TAGUDIN, Defendant-Appellant

and

DELIA ENCARNACION ALUPAY dba PHIL USA TRAVEL & SERVICES,
Defendants

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CIV. NO. 1RC03-1-3439)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that Civil No. 1RC03-1-3439 has not been finally decided inasmuch as judgment has not been entered on the plaintiff's claim against defendant Delia Alupay and the cross-claim against Alupay has not been resolved. The October 28, 2003 Findings of Fact, Conclusions of Law and Order did not finally end Civil No. 1RC-03-1-3439. Thus, the appeal of the October 28, 2003 order is premature and we lack jurisdiction. See HRS § 641-1(a); Casumpang v. ILWU, 91 Hawai'i 425, 984 P.2d 1251 (1999). Therefore,

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

DATED: Honolulu, Hawai'i, March 2, 2004.