

*** NOT FOR PUBLICATION ***

NO. 26218

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HEIDI REGAUD, Individually and as Special Administrator of the
Estate of DANILLO GALANTO VALDEZ, JR., Plaintiff-Appellant

vs.

ASSOCIATION OF APARTMENT OWNERS OF WAIKIKI LANAIS,
Defendant-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 03-1-0610)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we do not have jurisdiction over Plaintiff-Appellant Heidi Regaud's (Appellant Regaud) appeal from the Honorable Sabrina Shizue McKenna's November 10, 2003 "Final Order of Dismissal" in Civil No. 03-1-000610 (SSM). Pursuant to the separate document rule under Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP), "[a]n 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). When a circuit court dismisses claims by a court order, the HRCP Rule 58 separate document rule requires the circuit court to reduce the dismissal order to a separate judgment. See, e.g., Price v. Obayashi Hawaii Corporation, 81 Hawai'i 171, 176, 914 P.2d 1364, 1369 (1996)

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("Although RCCH [Rule] 12(q) [(regarding dismissal for want of prosecution)] does not mention the necessity of filing a separate document, HRCP [Rule] 58, as amended in 1990, expressly requires that 'every judgment be set forth on a separate document.'"); CRSC, Inc. v. Sage Diamond Co., Inc., 95 Hawai'i 301, 306, 22 P.3d 97, 102 (App. 2001) ("[W]here all claims are dismissed and there is no relevant HRCP Rule 54(b) certification as to one or more but not all of the dismissals, there must be one final order (judgment) dismissing all claims against all parties."). The circuit court has not reduced the appealed order to a separate judgment pursuant to HRCP Rule 58. Therefore, this appeal is premature, and we lack appellate jurisdiction.

We further note that, although Appellant Regaud, pro se, is not licensed to practice law in the State of Hawai'i, she signed the notice of appeal (and her complaint) on behalf of herself individually and as the special administrator of the Estate of Danilo Galanto Valdez, Jr. Under HRS § 605-2 (1993) and HRS § 605-14 (1993), persons who are not licensed to practice law in Hawai'i "are not permitted to act as attorneys and represent other natural persons in their causes." Oahu Plumbing and Sheet Metal, Ltd. v. Kona Construction, Inc., 60 Haw. 372, 377, 590 P.2d 570, 573 (1979) (citation and footnote omitted). Although HRS § 577-3 (1993) provides that the father and mother of an unmarried minor child are jointly the natural guardians of the child, "a parent or guardian cannot bring an action on behalf of a minor child without retaining a lawyer." Johns v. County of San Diego, 114 F.3d 874, 877 (9th Cir. 1997). The purpose for

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requiring a lawyer is "to ensure that children rightfully entitled to legal relief are not deprived of their day in court by unskilled, if caring, parents." Devine v. Indian River County School Board, 121 F.3d 576, 582 (11th Cir. 1997), cert. denied, Devine v. Indian River County School Board, 522 U.S. 1110 (1998). Therefore, even if the circuit court had entered a judgment in accordance with HRCF Rule 58, the notice of appeal would not be valid with respect to the Estate of Danilo Galanto Valdez, Jr. Accordingly,

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

DATED: Honolulu, Hawai'i, April 7, 2004.