

NO. 23275

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JOSEPH S. TAVARES, Plaintiff-Appellee

vs.

JOSEPH MISURACA, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT
(CIV. NO. KO-99-86)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the district court has not resolved the counterclaim filed by defendant Joseph Misuraca. Absent entry of judgment on the counterclaim or certification under DCRCP 54(b) of the judgments for possession and damages, the appeal of the judgments for possession and damages is premature and we lack jurisdiction. HRS § 641-1(a); DCRCP 54(b). Therefore,

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

DATED: Honolulu, Hawai'i, August 28, 2000.