

NO. 23519

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

FRANCISCO Q. FERRER, Plaintiff-Appellee

vs.

DANIEL T. NGO, Defendant-Appellant

and

ALLSTATE INSURANCE COMPANY, Defendant

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 98-2563)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that: (1) the judgment entered on February 22, 2000, which purports to be the final judgment in Civil No. 98-2563, does not show finality as to all claims against all the parties inasmuch as it does not dismiss the claim against defendant Allstate Insurance Company, as required by HRCP 58; see Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-20, 869 P.2d 1334, 1339-39 (1994); (2) entry of judgment on the claim against defendant Allstate Insurance Company is not effected by the declaration in the February 22, 2000 judgment that "there are no remaining claims or parties in this matter"; see Jenkins, 76 Hawai'i at 120 n.4, 869 P.2d at 1339 n.4 ("A statement that declares 'there are no other

outstanding claims' is not a judgment."); and, thus, (3) the appeal of the orders denying taxation of costs is premature and we lack jurisdiction. Therefore,

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

DATED: Honolulu, Hawai'i, November 3, 2000.