

NO. 23656

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MICHAEL ARNOLD, Plaintiff-Appellant

vs.

JERRY A. GREENWALD, Ph.D.; MARGARET G.  
SMITH, Ph.D., LSW, Defendants-Appellees

and

DOE DEFENDANTS 1-25, Defendants

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 00-1-1348)

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ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that: (1) final judgment has not been entered on the July 14, 2000 and August 1, 2000 orders dismissing the claims against Defendants Smith and Greenwald, as required by HRCP 58; (2) the judgment entered on October 16, 2000 is a judgment only on the claims against Defendant Smith; (3) the October 16, 2000 judgment is certified under HRCP 54(b), but certification under HRCP 54(b) is inappropriate inasmuch as all claims in Civil No. 00-1-1348 have been resolved; and, thus, (4) the appeal of the July 14, 2000 and August 1, 2000 orders is premature. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994).

Therefore,

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

DATED: Honolulu, Hawai'i, November 14, 2000.