

NO. 23843

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MYLES TAMASHIRO, WARREN TOYAMA, HEATHER FARMER, FILO TU,
JEANETTE TU, LYNN MISAKI, CLYDE OTA, MIRIAM ONOMURA,
and YOSHIKO NISHIMURA, Plaintiffs-Appellees/Cross-Appellants

vs.

DEPARTMENT OF HUMAN SERVICES, STATE OF HAWAI'I; JON L. KOKI,
in his capacity as Business Manager for Ho'Opono, NEIL SHIM,
in his capacity of Administrator of the Division of Vocational
Rehabilitation, State of Hawai'i Department of Human Services;
DAVE EVELAND, in his capacity of Administrator of the Services
to the Blind branch of the State of Hawai'i Department of Human
Services; and SUSAN CHANDLER, in her capacity as Director of
the State of Hawai'i Department of Human Services,
Defendants-Appellants/Cross-Appellees

and

CITY AND COUNTY OF HONOLULU, Defendant
(CIV. NO. 96-3011)

CITY AND COUNTY OF HONOLULU, Appellant

vs.

SUSAN CHANDLER, in her capacity as Director of the Department
of Human Services State of Hawai'i; and DEPARTMENT OF HUMAN
SERVICES, STATE OF HAWAI'I, Appellees
(CIV. NO. 97-2826)

COUNTY OF HAWAI'I, Appellant

vs.

SUSAN CHANDLER, in her capacity as Director of the Department
of Human Services State of Hawai'i; and DEPARTMENT OF HUMAN
SEVICES, STATE OF HAWAI'I, Appellees
(CIV. NO. 97-342 (Hilo))

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NOS. 96-3011, 97-2826, & 97-342 (Hilo))

ORDER DISMISSING APPEAL AND CROSS-APPEAL

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

Upon review of the record, it appears that: (1) the September 27, 2000 judgment, which enters judgment on the claims against the state defendants, does not show finality as to all claims asserted in Civil No. 96-3011 inasmuch as it does not dismiss or enter judgment on the claims against defendant City and County of Honolulu, 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) (In a multiple party circuit court case, a judgment that purports to be the final judgment is not appealable unless the judgment, on its face, shows finality as to all claims against all the parties.); and, thus, (2) this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal and cross-appeal are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, January 31, 2001.