

NO. 23845

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

D.A. HEENAN, C.R. CHURCHILL, and THOMAS C. LEPPERT,
Trustees under the Will and of the Estate of
James Campbell, Deceased, acting in their fiduciary
and not in their individual capacities, Plaintiffs-Appellants

vs.

ASHFORD & WRISTON, a law partnership;
et al., Defendants-Appellees
(CIV. NO. 99-0533)

C.R. CHURCHILL, D.A. HEENAN and RICHARD W. GUSHMAN, II,
Trustees under the Will and of the Estate of James
Campbell, Deceased, acting in their fiduciary and not
in their individual capacities, Plaintiffs-Appellants

vs.

PAUL S. AOKI; et al., Defendants-Appellees
(CIV. NO. 00-1-1706)

RICHARD W. GUSHMAN, II and RONALD J. ZLATOPER, Trustees
Under the Will and of the Estate of James Campbell,
Deceased, acting in their fiduciary and not in their
individual capacities, Plaintiffs-Appellants

vs.

ASHFORD & WRISTON, a law partnership;
et al., Defendants-Appellees
(CIV. NO. 00-1-2028)

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NOS. 99-0533; 00-1-1706; & 00-1-2028)

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

Upon review of the record, it appears that: (1) the September 29, 2000 order, which dismisses Civil No. 99-0533 and Civil No. 00-1-1706 and partially dismisses Civil No. 00-1-2028, has not been reduced to a separate judgment certified under HRCP 54(b), as required by HRCP 58; Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994) (An order that disposes of claims is not appealable unless the order is reduced to a separate judgment. The judgment must be certified under HRCP 54(b) if it disposes of less than all the claims.); and, thus, (2) this appeal 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, January 31, 2001.