

NO. 23999

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EDMUND M. ABORDO, Plaintiff-Appellant

vs.

ALFRED BEAVER, LANI RAE GARCIA and MARY TIWANAK,
Defendants-Appellees

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 98-0-002929)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, and Ramil, JJ.,
and Circuit Judge Cardoza, in place of Acoba, J., recused)

Upon review of the record, it appears that: (1) the circuit court's November 22, 2000 order dismissing Civil No. 98-2929 has not been reduced to a separate judgment, as required by HRCP 58; see Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994); Price v. Obayashi, 81 Hawai'i 171, 176, 914 P.2d 1364, 1371 (1996); 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, August 14, 2001.