

NO. 24142

IN THE SUPREME COURT OF THE STATE OF HAWAII

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HUI ALANUI O MAKENA, a Hawai'i non-profit corporation;  
DANA NAONE HALL; MAUI AIR TRAFFIC ASSOCIATION, INC.,  
a Hawai'i non-profit corporation; SIERRA CLUB, a  
California non-profit corporation; and  
MARY EVANSON, Plaintiffs-Appellants

vs.

BENJAMIN CAYETANO, in his capacity as Governor  
of the State of Hawai'i; DEPARTMENT OF TRANSPORTATION,  
STATE OF HAWAII; and BRIAN K. MINAAI,<sup>1</sup> in his  
capacity as Director of the Department of Transportation,  
State of Hawai'i, Defendants-Appellees

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APPEAL FROM THE THIRD CIRCUIT COURT  
(CIV. NO. 98-0361)

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

Upon review of appellants' statement of jurisdiction and the record, it appears that: (1) the circuit court's February 9, 2001 Findings of Fact, Conclusions of Law and Order, the Honorable Artemio C. Baxa, presiding, 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); (2) the Notice of Entry of Judgment/Order filed by the clerk pursuant to HRCP 77(d) is not the separate judgment entering

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<sup>1</sup> Pursuant to Hawai'i Rules of Appellate Procedure Rule 43(c)(1), Brian K. Minaai, the current Director of the Department of Transportation, State of Hawai'i, has been substituted for Kazu Hayashida, the director at the time this case was decided by the third circuit court.

judgment in favor of and against the parties required by HRCP 58; Jenkins, 76 Hawai'i at 119, 869 P.2d at 1338; and thus, (3) 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, July 23, 2001.