

NO. 24516

IN THE SUPREME COURT OF THE STATE OF HAWAII

EUGENE JAMES HUTCH, Plaintiff-Appellant

vs.

DOCTOR S. PADERES, NOLAN ESPINDA, DOCTOR CHUNG,
TED SAKAI, RAYMOND H. SATO, GOVERNOR BENJAMIN J. CAYETANO,
and PATRICIA M. GUARNACCIA, Defendants-Appellees

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 00-1-3604)

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 in Civil No. 00-1-3604; (2) the appeal of the August 22, 2001 order denying the motion for class action certification is an appeal of an interlocutory order that was not certified for interlocutory appeal pursuant to HRS § 641-1(b); and thus, (3) this appeal is premature and we lack jurisdiction. See HRS § 641-1(a). Therefore,

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

DATED: Honolulu, Hawai'i, December 5, 2001.