

NO. 24638

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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GEORGE BLANTON SMITH, JR., Plaintiff-Appellant

vs.

MARY TURONIS SMITH, nka MARY  
TURONIS ANDERSON, Defendant-Appellee

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APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT  
(FC-D NO. 96-1078)

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

Upon review of the statements supporting and contesting jurisdiction and the record, it appears that the October 4, 2001 order decided some, but not all issues raised in the parties' motions for post-decree relief and all issues raised in the motions have not been finally decided. Thus, the appeal of the October 4, 2001 order is premature. See Familian Northwest Inc. v. Central Pacific Boiler & Piping, Ltd., 68 Haw. 368, 714 P.2d 936 (1986) (a post-judgment order is an appealable final order if it finally determines the post-judgment proceeding). Therefore,

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

DATED: Honolulu, Hawai'i, February 12, 2002.