

NO. 24725

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

BRENDA BAKER, Plaintiff-Appellant

vs.

MICHAEL JAY GREEN and MYLES S. BREINER,
Defendants-Appellees

and

MICHAEL JOHN MAJDICK and DOES 1-10, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 99-2160)

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

Upon review of the record, it appears that the circuit court's November 8, 2001 judgment, the Honorable Virginia Lea Crandall presiding, purports to be a final judgment in favor of Defendants-Appellees Michael J. Green and Myles S. Breiner and against Plaintiff-Appellant Brenda Baker, but it does not identify the claims for which it is entered. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994) (In a multiple claim or multiple party circuit court case, a judgment that purports to be the final judgment must "identify the claims for which it is entered[.]"). The November 8, 2001 judgment states that there are no remaining parties, claims and/or issues, but this statement is not a judgment, see Jenkins, 76 Hawai'i at 119-20 n.4, 869 P.2d at

1338-39 n.4 ("A statement that declares 'there are no other outstanding claims' is not a judgment."), and it is wrong because there is no order or stipulation in the record that disposes of Green's and Breiner's counterclaims against Baker. The November 8, 2001 judgment does not contain the finding necessary for certification under Rule 54(b) of the Hawai'i Rules of Civil Procedure (HRCP). See Jenkins, 76 Hawai'i at 119, 869 P.2d at 1338 ("[A]n appeal from any judgment will be dismissed as premature if the judgment does not, on its face, either resolve all claims against all parties or contain the finding necessary for certification under HRCP 54(b)."). Therefore, this appeal is premature and we lack jurisdiction. Accordingly,

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

DATED: Honolulu, Hawai'i, March 5, 2002.