

NO. 24755

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PAMELA P. KANIHO, Individually and as Special Administratrix of
the Estate of Raine Nauvoo Kauhiwaiho'ola Kaniho and
Kamealoha P.E.L. Kaniho, Plaintiffs-Appellants

vs.

AARON M. ALTURA, M.D. and COMMUNITY CLINIC OF MAUI,
Defendants-Appellees

and

DOE DEFENDANTS, Defendants

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 00-1-0064(2))

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the "Order Granting Defendants Aaron M. Altura, M.D.'s and Community Clinic of Maui's Motion for Partial Dismissal of Plaintiffs' Complaint Filed on February 16, 2000 or, in the Alternative, for Partial Summary Judgment Filed June 25, 2001," filed November 8, 2001 (the November 8, 2001 summary judgment order), in Civil No. 00-1-0064(2) is not a final and appealable order pursuant to HRS § 641-1(a) (1993). "An appeal may be taken from circuit court orders resolving claims against parties only after the orders have been reduced to a judgment and the judgment has been entered in favor of and against the appropriate parties pursuant to HRCP 58[.]" Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994). Furthermore, "if the judgment resolves fewer than all claims against all parties, or reserves any claim for later action by the court, an appeal may

be taken only if the judgment contains the language necessary for certification under HRCP 54(b) [.]” Id. Therefore, the appeal from the November 8, 2001 summary judgment order is premature, and we lack appellate jurisdiction over this case.

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

DATED: Honolulu, Hawai'i, April 8, 2002.