

*** NOT FOR PUBLICATION ***

NO. 24994

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLIAM H. TAGUPA, Petitioner-Appellant

vs.

OFFICE OF HAWAIIAN AFFAIRS, KAMAKI A. KANAHELE, III (IN HIS INDIVIDUAL CAPACITY), GARD KEALOHA (IN HIS INDIVIDUAL CAPACITY), MOSES K. KEALE, SR. (KEALE), (IN HIS INDIVIDUAL CAPACITY) MOANIKEALA AKAKA (IN HIS INDIVIDUAL CAPACITY), CLYDE NAMU'O (IN HIS CAPACITY AS ADMINISTRATOR OF THE OFFICE OF HAWAIIAN AFFAIRS) HAUNANI APOLIONA (IN HER CAPACITY AS A TRUSTEE OF THE OFFICE OF HAWAIIAN AFFAIRS), LILLIAN KEAWEEHU DELA CRUZ (IN HER CAPACITY AS A TRUSTEE OF THE OFFICE OF HAWAIIAN AFFAIRS), ROWENA AKANA (IN HER CAPACITY AS A TRUSTEE OF THE OFFICE OF HAWAIIAN AFFAIRS), DONALD CATALUNA (IN HIS CAPACITY AS A TRUSTEE OF THE OFFICE OF HAWAIIAN AFFAIRS), COLETTE MACHADO (IN HER CAPACITY AS A TRUSTEE OF THE OFFICE OF HAWAIIAN AFFAIRS), OSWALD STENDER (IN HIS CAPACITY AS A TRUSTEE OF THE OFFICE OF HAWAIIAN AFFAIRS), JOHN WAIHE'E IV (IN HIS CAPACITY AS A TRUSTEE OF THE OFFICE OF HAWAIIAN AFFAIRS), DANTE CARPENTER (IN HIS CAPACITY AS A TRUSTEE OF THE OFFICE OF HAWAIIAN AFFAIRS), AND BOYD P. MOSSMAN (IN HIS CAPACITY AS A TRUSTEE OF THE OFFICE OF HAWAIIAN AFFAIRS),
Defendants-Appellees

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 88-0616)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, and Nakayama, JJ.,
Circuit Judge Hirai, in place of Acoba, J., recused,
and Circuit Judge Raffetto, assigned by reason of vacancy)

Upon review of the record, it appears that the February 21, 2002 amended final judgment in Civil No. 88-0616, the Honorable Dan T. Kochi presiding, does not satisfy the requirements of Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP). "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 [Rule]

58[.]” Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

[I]f a judgment purports to be the final judgment in a case involving multiple claims or multiple partes, the judgment . . . must . . . specifically identify the party or parties for and against whom the judgment is entered, and . . . must . . . identify the claims for which it is entered, and . . . dismiss any claims not specifically identified[.]

Id.

For example: “Pursuant to the jury verdict entered on (date), judgment in the amount of \$___ is hereby entered in favor of Plaintiff X and against Defendant Y upon counts I through IV of the complaint.” A statement that declares “there are no other outstanding claims” is not a judgment. If the circuit court intends that claims other than those listed in the judgment language should be dismissed, it must say so; for example, “Defendant Y’s counterclaim is dismissed,” or “Judgment upon Defendant Y’s counterclaim is entered in favor of Plaintiff/Counter-Defendant Z,” or “all other claims, counterclaims, and cross-claims are dismissed.”

Id. at 119-20 n.4, 869 P.2d at 1338-39 n.4 (emphases added).

“[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 HRCF [Rule] 54(b).” Id. at 119, 869 P.2d at 1338.

Although Plaintiff-Appellant William H. Tagupa’s (Appellant Tagupa) complaint asserted nine separate counts against multiple defendants, the February 21, 2002 amended final judgment enters judgment in favor of Appellant Tagupa and against only one defendant, Defendant-Appellant Office of Hawaiian Affairs, on a single cause of action that it refers to as “wrongful termination.” The February 21, 2002 amended final

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judgment does not specifically identify the multiple defendants and multiple counts in this case, nor does it resolve or dismiss all of the counts against them. Therefore, the February 21, 2002 amended final judgment does not satisfy the requirements of HRCP Rule 58 according to our holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i at 119, 869 P.2d at 1338, and Appellant Tagupa's appeal is premature. Accordingly,

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

DATED: Honolulu, Hawai'i, May 27, 2003.