

NO. 24996

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LLOYD NARITO, Plaintiff-Appellant

vs.

THE STATE OF HAWAI'I, Defendant-Appellee

and

JOHN DOES 1-50, JANE DOES 1-50, DOE CORPORATIONS 1-50, DOE PARTNERSHIPS 1-50, DOE NON-PROFIT ASSOCIATIONS 1-50 and DOE GOVERNMENTAL ENTITIES 1-50, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 99-4726)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the February 14, 2002 judgment in Civil No. 99-4726, the Honorable Dexter D. Del Rosario 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 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[,] . . . the judgment . . . must . . . identify the claims for which it is entered[.]" 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.

Id. at 119-20 n.4, 869 P.2d at 1338-39 n.4. “[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).” Id. at 119, 869 P.2d at 1338.

Although Plaintiff-Appellant Lloyd Narito’s first amended complaint asserted eight causes of action against Defendant-Appellee State of Hawai’i, the February 14, 2002 judgment does not identify each of the claims for which it is entered. Therefore, the February 14, 2002 judgment does not satisfy the requirements for a separate judgment under 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 the appeal is premature. Accordingly,

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

DATED: Honolulu, Hawai’i, July 25, 2002.