

NO. 25152

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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CURT DUKE PRATT and JUDITH HILOKO PRATT, Plaintiffs-Appellees

vs.

JOYCELYN WANDA UNCIANO, and DEBORAH ANN HOKULANI JOSHUA,  
Defendants-Appellants

and

JOHN DOES 1-30, MARY DOES 1-30, DOE PARTNERSHIPS 1-30 and  
CORPORATIONS AND OTHER ENTITIES 1-30, Defendants

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 01-1-2330)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the August 1, 2002 judgment in Civil No. 01-1-2330, 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 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, 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 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. "[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 54(b)." Id. at 119, 869 P.2d at 1338.

Although Plaintiffs-Appellees Curt Duke Pratt and Judith Hiloko Pratt's complaint asserted ten separate counts against Defendants-Appellants Jocelyn Wanda Unciano and Deborah Ann Hokulani Joshua (the Defendants), the August 1, 2002 judgment identifies neither the claims for which it is entered nor the claims that were dismissed. Therefore, the August 1, 2002 judgment does not satisfy the requirements of HRCF 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 Defendants' appeal is premature. Accordingly,

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

DATED: Honolulu, Hawai'i, September 10, 2002.