NO. 25184

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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KIRK CAMERLINGO AND DOROTHY CAMER, Plaintiffs-Appellants

vs.

LORI J. KIM, STEVEN J. KIM, WESLEY W. ICHIDA, AND PAUL A. LYNCH,
Defendants-Appellees

and

SCOT S. BROWER, Additional Counter-Claim Defendant

———————

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 01-1-0297)

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

Upon review of the record, it appears that the appealed summary judgment orders that the Honorable Eden Elizabeth Hifo entered do not satisfy the requirements of Rule 58 of the Hawai‘i Rules of Civil Procedure (HRCP). HRCP Rule 58 requires that "[e]very judgment shall be set forth on a separate document." Thus, "[a]n 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). Furthermore, "if the judgment resolves fewer than all claims against all parties, . . . an appeal may be taken only if the judgment contains the language necessary for certification under HRCP 54(b)[.]" Id. "In other words, . . . a party cannot appeal from a circuit court order even though the order may contain [HRCP Rule] 54(b) certification language; the order must be reduced to a judgment and the [HRCP Rule] 54(b) certification language must be

contained therein." <u>Oppenheimer v. AIG Hawai'i Insurance Company</u>, 77 Hawai'i 88, 93, 881 P.2d 1234, 1239 (1994).

None of the orders have been reduced to a judgment that satisfies the separate judgment requirement under HRCP Rule 58. <u>See</u> <u>Jenkins v. Cades Schutte Fleming & Wright</u>, 76 Hawai'i at 119, 869 P.2d at 1338. Therefore, the 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, September 24, 2002.