

NO. 25317

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO,  
Plaintiff-Appellant

vs.

COUNTY OF HAWAI'I; STEPHEN K. YAMASHIRO; MICHAEL BEN;  
DONNA FAY K. KIYOSAKI; GEORGE YOSHIDA; MILTON D. PAVAO;  
Defendants-Appellees

and

C.W. MAINTENANCE INC.; JULIA A. PAQUIN, dba PACIFIC ALL  
AMERICAN; SPARKLE CLEANING; DOUGLAS A. GASKIN dba DESIGN  
LANDSCAPE MANAGEMENT; T. KOBAYASHI YARD MAINTENANCE; and  
JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10,  
DOE PARTNERSHIPS 1-10, ROE NON-PROFIT ORGANIZATIONS 1-10,  
and ROE GOVERNMENTAL ENTITIES 1-10, Defendants

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APPEAL FROM THE THIRD CIRCUIT COURT  
(CIV. NO. 98-244)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears the Honorable Riki May Amano's August 12, 2002 judgment in Civil No. 98-244 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 parties, the judgment (a) must specifically identify the party or parties for and against whom the judgment is entered, and (b) must (i) identify the claims for which it is entered, and (ii) 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. "[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.

The August 12, 2002 judgment does not resolve Plaintiff-Appellant United Public Workers, AFSCME, Local 646, AFL-CIO's, claims against Defendant Julia A. Paquin dba Pacific All American and Defendant Sparkle Cleaning. Although the HRCF Rule 58 separate document rule does not apply to claims that parties resolve through a stipulation for dismissal pursuant to HRCF Rule 41(a)(1) (see, e.g., Amantiad v. Odum, 90 Hawai'i 152, 158 n.7, 977 P.2d 160, 166 n.7 (1999)), the record does not indicate that these claims were resolved in such a manner. Thus, the August 12, 2002 judgment fails to satisfy the requirements for a final judgment under HRCF Rule 58 according to the holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i at 119, 869 P.2d at 1338. Accordingly,

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

DATED: Honolulu, Hawai'i, December 12, 2002.