

NO. 25396

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PRUDENTIAL PROPERTY AND CASUALTY INSURANCE COMPANY,
Plaintiff-Appellant,

vs.

ROLAND ACZON, JADE ACZON, MATTHEW ACZON, SHIRLEY DAHANG,
Individually and as Personal Representative of the Estate of
Jaydon Lee Dahang and on behalf of Mario Dahang, Sonya Mae Young,
and Jadeyn K. Dahang Young, MARIO DAHANG, SONYA MAE YOUNG,
Individually and as Special Guardian of the Property of Jadeyn K.
Dahang-Young, and JADEYN K. DAHANG-YOUNG, Defendants-Appellees.

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 00-1-0165)

ORDER DENYING MOTION TO DISMISS
APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Levinson, J., for the court¹)

Upon consideration of Defendants-Appellees' motion to dismiss the appeal of Plaintiff-Appellant Prudential Property and Casualty Insurance Company for lack of appellate jurisdiction, the papers in support and opposition, and the records and files herein, it appears that the circuit court entered a final judgment on September 18, 2002 that complies with the requirements of Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1324 (1994); and (2) Appellant filed a timely notice of appeal from the September 18, 2002 judgment. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss appeal for lack of appellate jurisdiction is denied.

¹ Considered by: Moon, C.J., Levinson, Nakayama and Acoba, JJ., and Circuit Judge Hifo, assigned by reason of vacancy.

IT IS FURTHER ORDERED that Plaintiff-Appellant's request for attorneys' fees and costs for responding to the motion is denied.

DATED: Honolulu, Hawai'i, June 23, 2003.

FOR THE COURT:

STEVEN H. LEVINSON
Associate Justice

Frederick W. Rohlfig III
for defendants-appellees
Dahang and Young

Thomas Tsuchiyama
(Matsui Chung Sumida &
Tsuchiyama) for plaintiff-
appellant on the opposition