

NO. 25412

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JEFFREY LLOYD KIENKER and JANET LEE KIENKER,
Plaintiffs-Appellees/Cross-Appellees

vs.

DANIELLE BAUER, Defendant-Appellee/Cross-Appellant

and

COUNTY OF HAWAII, Defendant

and

STATE OF HAWAI'I, Defendant-Appellant/Cross-Appellee

APPEAL FROM THE THIRD CIRCUIT COURT
(CIVIL NO. 98-033K)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, and Acoba, JJ.
and Circuit Judge Nakamura, assigned by reason of vacancy)

Upon review of the record, it appears that the August 22, 2002 judgment entered by the Honorable Ronald Ibarra, in Civil No. 98-033K, is not a final, appealable judgment. "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 . . . must . . . identify the claims for which it is entered[.]" Id. "[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 [Rule] 54(b)."

Id.

The August 22, 2002 judgment identifies and resolves Plaintiffs/Appellees/Cross-Appellees Jeffrey Lloyd Kienker and Janet Lee Kienker's three separate claims against Defendant/Appellee/Cross-Appellant Danielle Bauer (Appellee Bauer) and Defendant/Appellant/Cross-Appellee State of Hawai'i (Appellant State), but it does not enter judgment on or dismiss (a) Defendant County of Hawaii's cross-claim against Appellant State, (b) Appellee Bauer's cross-claim against Appellant State, and (c) Appellant State's cross-claim against Appellee Bauer. Although a statement in the August 22, 2002 judgment declares there are no remaining claims or cross-claims, "[a] statement that declares there are no other outstanding claims is not a judgment." Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i at 120 n.4, 869 P.2d at 1339 n.4 (internal quotation marks omitted). Accordingly,

IT IS HEREBY ORDERED that this appeal and cross-appeal are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, January 29, 2003.