

NO. 25418

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WELLS FARGO BANK MINNESOTA, NA, AS TRUSTEE FOR
AMRESKO RESIDENTIAL SECURITIES CORPORATION MORTGAGE LOAN
TRUST 1998-3, UNDER THE POOLING & SERVICING AGREEMENT DATED AS
OF SEPTEMBER 1, 1998, Plaintiff-Appellee

vs.

JULIANO MARCELINO, SR., MARTINA MARCELINO, JULIAN MARCELINO, JR.,
and JOHN AND MARY DOES 1-10, Defendants-Appellants

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 01-1-0394)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears the Honorable Greg K. Nakamura's September 20, 2002 order in Civil No. 00-1-0394 is not an appealable final order. HRS § 641-1(a) (1993) limits appeals to "final judgments, orders, or decrees[.]" Furthermore, "[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 58[.]" Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994). "An appeal from an order that is not reduced to a judgment in favor of or against the party by the time the record is filed in the supreme court will be dismissed." Id. at 120, 869 P.2d at 1339. "[I]f the judgment resolves fewer than all claims . . . an appeal may be taken only if the judgment

contains the language necessary for certification under HRCP 54(b).” Id. at 119, 869 P.2d at 1338. A final judgment has not been entered, the September 20, 2002 order is not appealable, and this appeal is premature. Therefore,

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

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