

NO. 25429

IN THE SUPREME COURT OF THE STATE OF HAWAII

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RON MENOR, Plaintiff/Counterclaim Defendant

vs.

PHAM AND ASSOCIATES, DAVID PHAM, JOHN DOES,  
Defendants/Counterclaim Plaintiffs

and

FINANCE INSURANCE, LTD.,  
Defendant/Cross-Claim Defendant/Appellant

and

TIG INSURANCE COMPANY,  
Defendant/Cross-Claim Plaintiff/Appellee

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PHAM AND ASSOCIATES AND DAVID PHAM,  
Third-Party Plaintiffs

vs.

REEF DEVELOPMENT OF HAWAII, INC.,  
Third-Party Defendant

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APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CIV. NO. 1RC99-8426)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, and Acoba, JJ.  
and Intermediate Court of Appeals Associate Judge Foley,  
assigned by reason of vacancy)

Upon review of the record, it appears that the August 15, 2002 summary judgment order and the September 25, 2002 order denying reconsideration in Civil No. 1RC99-8426, the Honorable Christopher P. McKenzie presiding, are not appealable final orders under HRS § 641-1(a) (1993). Although the orders disposed of Defendant/Cross-Claim Plaintiff/Appellee TIG

Insurance's (Appellee TIG Insurance) cross-claim against Defendant/Cross-Claim Defendant/Appellant Finance Insurance, Ltd., no written order or stipulation for dismissal disposes of Plaintiff/Counterclaim Defendant Ron Menor's complaint against Appellee TIG Insurance. Therefore, the appealed orders are not final and we do not have jurisdiction. See, e.g., Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 427, 984 P.2d 1251, 1253 (1999) ("[A]n order that fully disposes of an action in the district court may be final and appealable without the entry of judgment on a separate document, as long as the appealed order ends the litigation by fully deciding the rights and liabilities of all parties and leaves nothing further to be adjudicated."); Ciesla v. Reddish, 78 Hawai'i 18, 20, 889 P.2d 702, 704 (1995) (citation omitted) ("Judgment is not final in a case until all claims of the parties have been terminated."). Accordingly,

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

DATED: Honolulu, Hawai'i, February 5, 2003.