

NO. 25438

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CHARLES M. BLACK, Plaintiff-Counterclaim Defendant-Appellant

vs.

CHRISTINA POLLACK, PAMELA LIMA, and STEPHEN P. ANDERSON,
Defendants-Counter-claimants-Appellees

and

JOHN DOES 1-10; JANE DOES 1-10; and DOE ENTITIES 1-10, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIVIL NO. 01-1-2967)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the notice of appeal filed on October 30, 2002 is an appeal from the December 13, 2002 judgment, which purports to be the final judgment in Civil No. 01-1-2967. See HRAP 4(a)(2). The December 13, 2002 judgment, the Honorable Sabrina S. McKenna, presiding, declares that "all claims and counterclaims for partition have been resolved," but the judgment does not enter judgment in favor of and against the parties on the claims and counterclaims for partition. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994) (the separate judgment entered pursuant to HRCP 58 must enter judgment in favor of and against the parties on the claims

resolved). Thus, the appeal from the December 13, 2002 judgment is premature and we lack jurisdiction. Therefore,

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

DATED: Honolulu, Hawai'i, March 4, 2003.