

NO. 25460

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

AFL HOTEL & RESTAURANT WORKERS HEALTH & WELFARE TRUST FUND, by
its Trustees, Plaintiff-Appellee

vs.

JESUS ALONZO and ERLINDA DOMINGUEZ, Defendants-Appellants

and

ERLINDA DOMINGUEZ, Third-Party Plaintiff-Appellant

vs.

DEREK R. KOBAYASHI and REGAN M. IWAO,
Third-Party Defendants-Appellees

APPEAL FROM THE FIRST CIRCUIT COURT
(CIVIL NO. 02-1-0337)

ORDER DISMISSING APPEAL

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

Upon review of the statements supporting and contesting jurisdiction and the record, it appears that the October 8, 2002 orders dismissing the counterclaim and the third-party complaint were not reduced to separate judgments certified under HRCP 54(b), as required by HRCP 58. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994) (An order that disposes of claims is not appealable unless the order is reduced to a separate judgment. The judgment must be certified under HRCP 54(b) if it disposes of less than all the claims.). The October 8, 2002 order denying dismissal of the claims against defendant Dominguez is an interlocutory order that was not

certified for appeal under HRS § 641-1(b). Thus, this appeal 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, February 5, 2003.