

NO. 25490

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

NANCY MAKANUI, Plaintiff-Appellant

vs.

TIMOTHY S. KITAGAWA, DEPARTMENT OF HUMAN SERVICES, COUNTY OF
HAWAII, STATE OF HAWAII, Defendants-Appellees

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 01-1-0093)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the November 6, 2002 amended judgment in Civil No. 01-1-0093, the Honorable Greg K. Nakamura presiding, does not satisfy the requirements of Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP). "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 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[,]. . . the judgment . . . must . . . identify the claims for which it is entered, and . . . dismiss any claims not specifically identified[.]" 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. at 119, 869 P.2d at 1338.

Although the November 6, 2002 amended judgment properly identifies, and enters judgment on, all three of the counts that Plaintiff-Appellant Nancy Makanui's (Appellant Makanui) second amended complaint asserted against Defendant-Appellant Timothy S. Kitagawa, the November 6, 2002 amended judgment neither enters judgment on, nor dismisses, Appellant Makanui's claims against Defendants Department of Human Services, County of Hawai'i, and State of Hawai'i. The reference to the September 20, 2001 order is a mere conclusion that requires a search of the record to determine finality. The purpose of the HRCF Rule 58 separate document requirement under Jenkins v. Cades Schutte Fleming & Wright is to instruct the circuit courts to make a judgment complete within itself so that it is unnecessary for the supreme court to search the record to determine finality. The November 6, 2002 amended judgment does not satisfy the requirements of HRCF Rule 58 according to our holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i at 119, 869 P.2d at 1338, and, thus, Appellant Makanui's appeal is premature. Accordingly,

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

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