

*** NOT FOR PUBLICATION ***

NO. 25578

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

TERRI L. THOMPSON and DWIGHT THOMPSON,
Plaintiffs/Counterclaim Defendants-Appellees

vs.

AIG HAWAII INSURANCE COMPANY, INC., a Hawai'i Corporation; &
AMERICAN INTERNATIONAL ADJUSTMENT COMPANY, INC., a Delaware
Corporation, Defendants/Counterclaimants/Cross-Claim
Plaintiffs/Cross-Claim Defendants-Appellants

BURTON D. GOULD,
Defendant/Cross-Claim Plaintiff/Cross-Claim Defendant,

LARRY MARK POLSKY, Defendant/Cross-Claim Plaintiff

POLSKY & GOULD, a Hawai'i Partnership,
Defendant/Cross-Claim Defendants

JOSEPHINE D. MEDEIROS, Defendant/Cross-Claim Plaintiff

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 93-0140)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, and Nakayama, JJ.,
Circuit Judge Blondin, in place of Acoba, J., recused
and Circuit Judge Alm, assigned by reason of vacancy)

Upon review of the record, it appears that the
December 23, 2002 amended judgment in Civil No. 93-0140, the
Honorable Reinette W. Cooper 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

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in a case involving multiple claims or multiple parties, the judgment (a) must specifically identify the party or parties for and against whom the judgment is entered, and (b) must (i) identify the claims for which it is entered, and (ii) dismiss any claims not specifically identified[.]

Id.

For example: "Pursuant to the jury verdict entered on (date), judgment in the amount of \$___ is hereby entered in favor of Plaintiff X and against Defendant Y upon counts I through IV of the complaint." A statement that declares "there are no other outstanding claims" is not a judgment. If the circuit court intends that claims other than those listed in the judgment language should be dismissed, it must say so; for example, "Defendant Y's counterclaim is dismissed," or "Judgment upon Defendant Y's counterclaim is entered in favor of Plaintiff/Counter-Defendant Z," or "all other claims, counterclaims, and cross-claims are dismissed."

Id. at 119-20 n.4, 869 P.2d at 1338-39 n.4 (emphasis added).

"[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 54(b)." Id. at 119, 869 P.2d at 1338 (emphasis added).

Although Plaintiffs/Counterclaim Defendants/Appellees Terrie L. Thompson and Dwight Thompson's amended complaint asserted eight separate causes of action against six different defendants, the December 23, 2002 amended judgment does not specifically identify the claim or claims for which it is entered, nor does it resolve or dismiss the remaining claims among the parties. The December 23, 2002 amended judgment improperly attempts to incorporate by reference the November 18, 1996 judgment, but in supreme court case number 20316, the intermediate court of appeals vacated the November 18, 1996 judgment. A HRCP Rule 58 judgment must, on its face, identify

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and dispose of all the claims. Conclusory statements, that a previous judgment or order resolved certain claims, or that there are no remaining parties or claims, do not suffice. Therefore, the December 23, 2002 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 Defendants-Appellants AIG Hawaii Insurance Company, Inc., American International Adjustment Company, Inc.'s, appeal is premature. Accordingly,

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

DATED: Honolulu, Hawai'i, May 16, 2003.