

***** NOT FOR PUBLICATION *****

NO. 25620

IN THE SUPREME COURT OF THE STATE OF HAWAII

KEVIN MILNES,
Plaintiff-Appellant,

vs.

GOVERNMENT EMPLOYEES INSURANCE COMPANY,
Defendant-Appellee.

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 00-1-3756-12)

ORDER GRANTING DEFENDANT-APPELLEE'S MOTION TO DISMISS
NOTICE OF APPEAL FILED BY PLAINTIFF-APPELLANT ON FEBRUARY 4, 2003

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

Upon consideration of the defendant-appellee's motion to dismiss appeal, the papers in support and the record, it appears that the circuit court's January 30, 2003 oral decisions granting and denying various motions are appealable upon entry of a judgment certified under HRCP 54(b) on the decision granting the defendant's motion for summary judgment on the claim asserted in the first amended complaint. Absent entry of a certified judgment on such claim, the appeal of the January 30, 2003 oral decisions is premature. See HRS 641-1(a); HRCP 54(b); HRCP 58. Therefore,

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IT IS HEREBY ORDERED that the motion to dismiss appeal is granted and this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, May 23, 2003.

Anthony Y.K. Kim
for defendant-appellee
on the motion