

*** NOT FOR PUBLICATION ***

NO. 25653

IN THE SUPREME COURT OF THE STATE OF HAWAII

EVELYN ANNE-MARIE WAGNER, LINDA MARIE HANSEN WAGNER, WALTER L.
WAGNER, Plaintiffs-Appellants

vs.

MARK COHEN, VICTORIA SCHNEIDER, ROBERT BART, ANNABELLE MATEO,
KAPIOLANI MEDICAL CENTER, STATE OF HAWAII, JOHN DOES 1-9,
JANE DOES 1-9, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10,
DOE JOINT VENTURES 1-10, Inclusive, Defendants-Appellees

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 00-1-0468)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the circuit court, the Honorable Riki May Amano presiding, has not reduced the appealed dismissal orders to a separate judgment, as Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP) requires. "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 [Rule] 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 or multiple partes, the judgment . . . must . . . specifically identify the party or parties for and against whom the judgment is entered, and . . . must . . . identify the claims for which it is entered, and . . . dismiss any claims not specifically identified[.]

Id. The HRCP Rule 58 separate document rule applies to all circuit court cases, including those cases that a circuit court

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resolves through dismissal orders. See, e.g., Price v. Obayashi Hawaii Corporation, 81 Hawai'i 171, 176, 914 P.2d 1364, 1369 (1996) ("Although RCCH [Rule] 12(q) [(regarding dismissal for want of prosecution)] does not mention the necessity of filing a separate document, HRCP [Rule] 58, as amended in 1990, expressly requires that 'every judgment be set forth on a separate document.'"); CRSC, Inc. v. Sage Diamond Co., Inc., 95 Hawai'i 301, 306, 22 P.3d 97, 102 (App. 2001) ("[W]here all claims are dismissed and there is no relevant HRCP Rule 54(b) certification as to one or more but not all of the dismissals, there must be one final order (judgment) dismissing all claims against all parties."). Without the entry of an appealable final judgment, this appeal is premature, and we lack jurisdiction.

We further note that, although Plaintiffs-Appellants Linda Marie Hansen Wagner, pro se, and Walter L. Wagner, pro se, are not licensed to practice law in the State of Hawai'i, they signed and filed their notice of appeal (and their amended complaint) on behalf of themselves as well as their daughter, Plaintiff-Appellant Evelyn Anne-Marie Wagner, pro se. Under HRS § 605-2 (1993) and HRS § 605-14 (1993), persons who are not licensed to practice law in Hawai'i "are not permitted to act as attorneys and represent other natural persons in their causes." Oahu Plumbing and Sheet Metal, Ltd. v. Kona Construction, Inc., 60 Haw. 372, 377, 590 P.2d 570, 573 (1979) (citation and footnote omitted). Although HRS § 577-3 (1993) provides that the father and mother of an unmarried minor child are jointly the natural guardians of the child, "a parent or guardian cannot bring an action on behalf of a minor child without retaining a lawyer." Johns v. County of San Diego, 114 F.3d 874, 877 (9th Cir. 1997). The purpose for requiring a lawyer is "to ensure that children rightfully entitled to legal relief are not deprived of their day in court by unskilled, if caring, parents." Devine v. Indian

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River County School Board, 121 F.3d 576, 582 (11th Cir. 1997),
cert. denied, Devine v. Indian River County School Board, 522
U.S. 1110 (1998). Therefore, the notice of appeal is not valid
with respect to Plaintiff-Appellant Evelyn Anne-Marie Wagner.
Accordingly,

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

DATED: Honolulu, Hawai'i, May 30, 2003.