

*** NOT FOR PUBLICATION ***

NO. 25691

IN THE SUPREME COURT OF THE STATE OF HAWAII

KEITH QUEEN, Individually and as the Special Administrator
of the Estate of Jo Ella Queen, Plaintiff-Appellant

vs.

JAMES ROBINSON; KONA COAST SKIN DIVER, LTD., INC., (erroneously
named "Kona Coast Skin Diver, Ltd."); JOHN AND JANE DOES 1-10;
DOE CORPORATIONS 1-10; DOE PARTNERSHIPS 1-10; and DOE
ENTITIES 1-10, Defendants-Appellees

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 98-606)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the February 14, 2003 judgment in Civil No. 98-606, the Honorable Riki May Amano 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 [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 . . . , the judgment . . . must . . . identify the claims for which it is entered, and . . . 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

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

Although Plaintiff-Appellant Keith Queen's amended complaint asserted three separate causes of action against multiple defendants, the February 14, 2003 judgment does not specifically identify the claims that the circuit court has adjudicated. A HRCF Rule 58 judgment must, on its face, identify and dispose of each claim. Therefore, the February 14, 2003 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. Final judgment having not been entered, the September 6, 2002 order is not appealable, and this appeal is premature. Therefore,

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

DATED: Honolulu, Hawai'i, July 11, 2003.