

*** NOT FOR PUBLICATION ***

NO. 25869

IN THE SUPREME COURT OF THE STATE OF HAWAII

ANN D. PADGETT and KURT A. REINECKE, Plaintiffs/Counterclaim
Defendants/Appellants

vs.

BCP, INC. dba NURSEFINDERS, Defendant/Cross-Claim
Defendant/Appellee

NINA SHISHIDO, Defendant/Counterclaim Plaintiff/Cross-
Claimant/Appellee

and

JOHN DOES 1 TO 5 AND JANE DOES 1 TO 5, Defendants

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 01-1-0600)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we do not have jurisdiction over Plaintiffs/Counterclaim-Defendants/Appellants Ann D. Padgett and Kurt A. Reinecke's appeal from the Honorable Shackley F. Raffetto's May 23, 2003 "Direction for Entry of Final Judgment with Respect to Orders Previously Made," because it does not satisfy the requirements for an appealable final judgment under our holding in 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 parties, the judgment . . . must . . . specifically identify the party or parties for and

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against whom the judgment is entered, and . . . must . . . identify the claims for which it is entered, and . . . dismiss any claims not specifically identified[.]

Id. at 119, 869 P.2d at 1338.

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. "[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. The May 23, 2003 judgment contains the finding necessary for certification under Rule 54(b) of the Hawai'i Rules of Civil Procedure (HRCP), but, despite the multiple claims in this case, the May 23, 2003 judgment does not specifically identify the claim(s) for which judgment is entered. Therefore, the May 23, 2003 judgment does not satisfy the requirements for an appealable final judgment under HRCP Rule 54(b), HRCP Rule 58, HRS § 641-1(a) (1993), and our holding in Jenkins v. Cades Schutte Fleming & Wright, 76

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Hawai'i at 119, 869 P.2d at 1338. Absent the entry of an appealable final judgment, this appeal is premature and we lack appellate jurisdiction. Accordingly,

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

DATED: Honolulu, Hawai'i, October 24, 2003.