

*** NOT FOR PUBLICATION ***

NO. 25999

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

SERGIO AFANASENKO, Plaintiff-Appellant

vs.

COUNTY OF HAWAI'I, TONY ENRIQUEZ, and DONALD WATSON,
Defendants/Cross-Claim Plaintiffs/Appellees

and

DEPARTMENT OF PUBLIC SAFETY, A DEPARTMENT OF THE STATE OF
HAWAI'I, EDWIN AKANA, WHITTAKER & LACY, ATTORNEYS AT LAW,
A LAW CORPORATION, PETERSON MACHINE TOOL, INC., HARTFORD FIRE
INSURANCE COMPANY, THE HARTFORD FINANCIAL SERVICES GROUP, INC.,
JOHN DOES 1-10, JANE DOES 1-10, DOE ENTITIES 1-10, DOE
CORPORATIONS 1-10, and DOE GOVERNMENTAL AGENCIES 1-10,
Defendants/Cross-Claim Defendants/Appellees

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 99-529)

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 Plaintiff-Appellant Sergio Afanasenko's (Appellant Afanasenko) appeal from the Honorable Terence T. Yoshioka's June 30, 2003 judgment 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 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. The June 30, 2003 judgment

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contains the finding necessary for certification under Rule 54(b) of the Hawai'i Rules of Civil Procedure (HRCP). However, despite that Appellant Afanasenko asserted multiple claims in his October 23, 2002 first amended complaint, the June 30, 2003 judgment does not specifically identify the claim(s) for which judgment is entered. Therefore, the June 30, 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 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, January 7, 2004.