

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26328

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MARK J. MEYER, Plaintiff-Appellee

vs.

ROBERT KENNEDY, Defendant-Appellant

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APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CIV. NO. 1SS03-1-1619)

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 Defendant-Appellant Robert Kennedy's (Appellant Kennedy) appeal from the district court's (1) oral ruling with respect to mediation and (2) the December 30, 2003 order denying Appellant Kennedy's motion to reconsider his request for attorneys' fees and costs.

Pursuant to HRS § 641-1(a) (1993), appeals are allowed in civil matters from all final judgments, orders, or decrees of circuit and district courts. In district court cases, a judgment includes any order from which an appeal lies. A final order means an order ending the proceeding, leaving nothing further to be accomplished. When a written judgment, order, or decree ends the litigation by fully deciding all rights and liabilities of all parties, leaving nothing further to be adjudicated, the judgment, order, or decree is final and appealable.

Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 426, 984 P.2d 1251, 1252 (1999) (citations, internal quotation marks, and footnote omitted) (emphasis added).

The district court, the Honorable Barbara P. Richardson presiding, has not entered a final written order or judgment from which an appeal may be taken. See HRS § 641-1(a) (1993); Haw. Dist. Ct. R. Civ. P. 58; Haw. R. App. P. 4(a) (5). Therefore,

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Appellant Kennedy's 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, April 29, 2004.