

*** NOT FOR PUBLICATION ***

NO. 26331

IN THE SUPREME COURT OF THE STATE OF HAWAII

HAWAII STATE ASBESTOS CASES

GEORGE L. HATCHETT and ELAINE T. HATCHETT, Plaintiffs-Appellees

vs.

QUIGLEY COMPANY, INC., Defendant-Appellant

and

OWENS CORNING, formerly known as OWENS-CORNING FIBERGLASS CORPORATION, a Delaware corporation; OWENS-ILLINOIS, INC., an Ohio corporation; PITTSBURGH CORNING CORPORATION, a Pennsylvania corporation; FOSTER WHEELER CORPORATION, a Delaware corporation; THE LYNCH CO., INC., a Hawaii corporation; JOHN CRANE, INC., a Delaware corporation; GARLOCK, INC., an Ohio corporation; RAPID-AMERICAN CORPORATION as Successor-in-Interest to PHILIP CAREY CORPORATION, CAREY CANADA, PANACON, BRIGGS MANUFACTURING COMPANY and in its own rights as RAPID-AMERICAN CORPORATION, a Delaware corporation; COMBUSTION ENGINEERING, INC., a Delaware corporation; METROPOLITAN LIFE INSURANCE COMPANY, a New York corporation; ARMSTRONG WORLD INDUSTRIES, INC., formerly known as ARMSTRONG CORK COMPANY, a Pennsylvania corporation, registered to do business in the State of Hawaii; GAF CORPORATION, a Delaware corporation; Successor-in-Interest to RUBEROID COMPANY, a Delaware corporation; ASBESTOS CLAIMS MANAGEMENT CORPORATION, Successor-in-Interest to NATIONAL GYPSUM COMPANY, INC., a corporation; UNITED STATES GYPSUM COMPANY, a Delaware corporation; A.P. GREEN INDUSTRIES, INC., a Delaware corporation; FLEXITALLIC, INC., a Delaware corporation; FIBREBOARD CORPORATION, formerly known as FIBREBOARD PAPER PRODUCTS CORPORATION, a Delaware corporation, Defendants
(S.C. NO. 26331 (CIV. NO. 00-1-0984))

HAWAII STATE ASBESTOS CASES

EDWARD J. SHERRY and THERESA M. SHERRY, Plaintiffs-Appellees

vs.

QUIGLEY COMPANY, INC., Defendant-Appellant

*** NOT FOR PUBLICATION ***

and

OWENS CORNING, formerly known as OWENS-CORNING FIBERGLASS CORPORATION, a Delaware corporation; OWENS-ILLINOIS, INC., an Ohio corporation; PITTSBURGH CORNING CORPORATION, a Pennsylvania corporation; THE BABCOCK & WILCOX COMPANY, a Delaware corporation; FOSTER WHEELER CORPORATION, a Delaware corporation; THE LYNCH CO., INC., a Hawaii corporation; JOHN CRANE, INC., a Delaware corporation; GARLOCK, INC., an Ohio corporation; RAPID-AMERICAN CORPORATION as Successor-in-Interest to PHILIP CAREY CORPORATION, CAREY CANADA, PANACON, BRIGGS MANUFACTURING COMPANY and in its own rights as RAPID-AMERICAN CORPORATION, a Delaware corporation; COMBUSTION ENGINEERING, INC., a Delaware corporation; METROPOLITAN LIFE INSURANCE COMPANY, a New York corporation; ARMSTRONG WORLD INDUSTRIES, INC., formerly known as ARMSTRONG CORK COMPANY, a Pennsylvania corporation, registered to do business in the State of Hawaii; GAF CORPORATION, a Delaware corporation; Successor-in-Interest to RUBEROID COMPANY, a Delaware corporation; ASBESTOS CLAIMS MANAGEMENT CORPORATION, Successor-in-Interest to NATIONAL GYPSUM COMPANY, INC., a corporation; UNITED STATES GYPSUM COMPANY, a Delaware corporation; A.P. GREEN INDUSTRIES, INC., a Delaware corporation; FLEXITALLIC, INC., a Delaware corporation; A.P. GREEN SERVICES INC., formerly known as BIGELOW-LIPTAK CORPORATION, a foreign corporation; DRESSER INDUSTRIES, INC., a Delaware corporation, Successor to HARBISON-WALKER REFRACTORIES CO., a Pennsylvania corporation; HARBISON-WALKER REFRACTORIES CO., a Pennsylvania corporation; INDRESCO, INC., a Delaware corporation; A.W. CHESTERTON COMPANY, a Massachusetts corporation; FIBREBOARD CORPORATION, formerly known as FIBREBOARD PAPER PRODUCTS CORPORATION, a Delaware corporation, Defendants
(S.C. NO. 26332 (CIV. NO. 99-4646))

APPEAL FROM THE FIRST CIRCUIT COURT

ORDER DISMISSING APPEAL

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

Upon review of the records of No. 26331 and No. 26332, it appears that Civil No. 99-4646 and Civil No. 00-1-0984 have not been finally resolved as to all claims against all defendants. The December 15, 2003 judgments adjudicating the liability of defendant Quigley Company, Inc. in Civil No. 99-4646

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and Civil No. 00-1-0984 were not certified under HRCP 54(b) as final judgments. Thus, the appeals of the December 15, 2003 judgments are premature and we lack jurisdiction. See HRS § 641-1(a); HRCP 54(b). Therefore,

IT IS HEREBY ORDERED that No. 26331 and No. 26332 are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, August 26, 2004.