*** NOT FOR PUBLICATION ***

NO. 26340

IN THE SUPREME COURT OF THE STATE OF HAWAIʻI

QUENTIN HIDEYUKI TAHARA,
Plaintiff/Appellee/Cross-Appellant,

v.

BRUCE GEORGE PERRY,
Defendant/Cross-Claim Defendant/Appellant/Cross-Appellee,

and

MATSON TERMINALS, INC., MATSON NAVIGATION COMPANY, INC., AND MCCABE HAMILTON & RENNY CO., LTD.,
Defendants/Cross-Claim Plaintiffs/Appellees/Cross-Appellees,

and

INTERNATIONAL LONGSHOREMEN AND WAREHOUSEMEN'S UNION, LOCAL 142, AND HENRY KREUTZ, JR.
Defendants/Appellees/Cross-Appellees

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 96-1204)

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

Upon review of the record, it appears that we lack jurisdiction over Defendant/Cross-Claim Defendant/Appellant/Cross-Appellee Bruce George Perry's appeal and Plaintiff/Appellee/Cross-Appellant Quentin Hideyuki Tahara's cross-appeal in this case because the Honorable Dexter D. Del Rosario's January 9, 2004 judgment does not satisfy the requirements for an appealable final judgment under HRS § 641-1(a) (1993), Rule 58 of the Hawaiʻi Rules of Civil Procedure (HRCP), and our holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawaiʻi 115, 119, 869 P.2d 1334, 1338 (1994).

Under the HRCP Rule 58 separate document rule, "[a]n

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 or multiple partes, the judgment (a) must specifically identify the party or parties for and against whom the judgment is entered, and (b) must (i) identify the claims for which it is entered, and (ii) dismiss any claims not specifically identified[.]

Id. (emphases added).

The January 9, 2004 judgment does not contain operative language that resolves claims in favor of and against the appropriate parties. Furthermore, although this case involves multiple parties, multiple claims, and multiple cross-claims, the January 9, 2004 judgment does not identify or dismiss all of the claims and cross-claims. Although the January 9, 2004 judgment declares that there are no remaining claims or parties, we have previously explained that "[a] statement that declares 'there are no other outstanding claims' is not a judgment." Id. at 119-20 n.4, 869 P.2d at 1338-39 n.4. "If the circuit court intends that claims other than those listed in the judgment language should be dismissed," then the circuit court should include operative language within the judgment that orders "all other claims, counterclaims, and cross-claims are dismissed." Id. (internal quotation marks omitted).

"[I]f the judgment resolves fewer than all claims against all parties, or reserves any claim for later action by the court, an appeal may be taken only if the judgment contains

the language necessary for certification under HRCP [Rule] 54(b)[.]" Id. at 119, 869 P.2d at 1338. The January 9, 2004 judgment does not resolve all of the claims, and it does not contain an express finding of no just reason for delay in the entry of judgment pursuant to HRCP Rule 54(b). Therefore, the January 9, 2004 judgment does not satisfy the appealability requirements of HRS § 641-1(a) (1993) and the HRCP Rule 58 separate document rule under our holding in Jenkins v. Cades Schutte Fleming & Wright. Absent an appealable final judgment, the appeal and cross-appeal are premature. Accordingly,

IT IS HEREBY ORDERED that the appeal and cross-appeal are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai‘i, April 29, 2004.