

*** NOT FOR PUBLICATION ***

NO. 26774

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JOANNA UEHARA, Plaintiff-Appellee

vs.

FRANK DE GIACOMO and SABINA DE GIACOMO, Defendants-Appellants

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CIV. NO. 1RC03-1-8143)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that entry of the July 21, 2004 judgment for damages did not finally end the litigation in Civil No. 1RC03-1-8143 inasmuch as the defendants' counterclaims have not been resolved by disposition entered on the record. Thus, the appeal of the July 21, 2004 judgment is premature and we lack jurisdiction. See HRS § 641-1(a); Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 427, 984 P.2d 1251, 1253 (1999) (a district court judgment or order is final and appealable under HRS § 641-1(a) if it ends the litigation by fully deciding the rights and liabilities of all parties and leaves nothing further to be adjudicated.). Therefore,

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

DATED: Honolulu, Hawai'i, February 1, 2005.