

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26789

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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JON S. LOGAN WRIGHT, Plaintiff-Appellant

vs.

HOME DEPOT U.S.A., INC., a foreign corporation authorized to do  
business in the State of Hawaii, Defendant-Appellee

and

JOHN DOES 1-50, Defendants

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APPEAL FROM THE SECOND CIRCUIT COURT  
(CIV. NO. 04-1-0178)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the defendant was granted dismissal of the two causes of action asserted in Civil No. 04-1-0178. The August 2, 2004 judgment, the Honorable Shackley F. Raffetto, presiding, which purports to be the final judgment in Civil No. 04-1-0178, enters judgment in favor of the defendant and against the plaintiff but does not state that judgment is entered as to the plaintiff's two causes of action, as required by Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-120, 869 P.2d 1334, 1339-39 (1994) (In a multiple claim circuit court case, a judgment that purports to be the final judgment is not appealable unless the judgment identifies the claims for which the judgment is entered.). Thus, this appeal is premature and we lack jurisdiction. Therefore,

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

DATED: Honolulu, Hawai'i, February 5, 2005.