

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27973

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

BRUCE RAY FAULKNER AND CHRISTINE LOUISE FAULKNER,
Plaintiffs-Appellees,

v.

PAUL LANAKILA CAMPOS,
Defendant-Appellant,

and

HEIRS OF KANUI(k), et al.,
Defendants-Appellees

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

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FILED

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CV. NO. 05-1-0307(3))

ORDER DISMISSING APPEAL

(By: Burns, C.J., Lim and Foley, JJ.)

Upon review of the record, it appears that we lack jurisdiction over Defendant-Appellant Paul Lanakila Campos's appeal from the Honorable Joseph E. Cardoza's June 19, 2006 order granting Plaintiff-Appellees Bruce Ray Faulkner and Christine Louise Faulkner's motion for summary judgment, because the June 19, 2006 order is not an appealable final judgment under HRS § 641-1(a) (Supp. 2005), Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP), and the holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 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

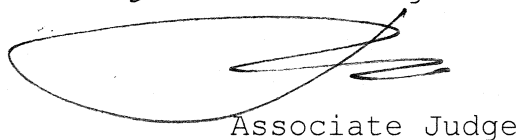
judgment and the judgment has been entered in favor of and against the appropriate parties pursuant to HRCP [Rule] 58[.]” Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai‘i at 119, 869 P.2d at 1338. “An appeal from an order that is not reduced to a judgment in favor or against the party by the time the record is filed in the supreme court will be dismissed.” Id. at 120, 869 P.2d at 1339 (footnote omitted).

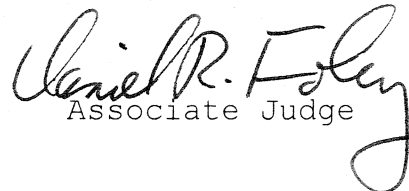
The appellate court clerk filed the record on appeal for this case on August 8, 2006, and the record on appeal does not contain an appealable final judgment. Absent an appealable final judgment, this appeal is premature and we lack appellate jurisdiction. Therefore,

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

DATED: Honolulu, Hawai‘i, November 15, 2006.


Chief Judge


Associate Judge


Associate Judge