

NO. 27981

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

HAWAII GOLDEN GLOVES, INC., WAHIAWA BOXING CLUB,  
CARL PHILLIPS, CONNIE PHILLIPS, EUGENE KOSTRON,  
BEN MERRITT, CARL PHILLIPS, JR., JOHN PHILLIPS,  
TONY MADOLORA, BRIAN BATTEASE, ISAAC TARIK,  
BRYAN KAIPO MIDRO, JULIET DE GUZMAN, BERNARD SORIANO,  
and TIMONY L. HARDING,  
Plaintiffs-Appellees/Cross-Appellees

v.

RALPH MARTIN,  
Defendant-Appellant/Cross-Appellee,  
and  
USA BOXING HAWAII ASSOCIATION, INC.,  
Defendant-Appellee/Cross-Appellant,  
and  
UNITED STATES AMATEUR BOXING, INC.,  
BRUCE KAWANO, DOE INDIVIDUALS 1-20, et al.,  
Defendants

K. HAMAKADO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2006 SEP -8 AM 7:49

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CV. NO. 03-1-1129)

ORDER DISMISSING APPEAL AND CROSS-APPEAL

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

Upon review of the record, it appears that we lack jurisdiction over Defendant/Appellant/Cross-Appellee Ralph Martin's appeal and Defendant/Appellee/Cross-Appellant USA Boxing Hawaii Association, Inc.'s, cross-appeal from the Honorable Victoria S. Marks's May 16, 2006 judgment, because the May 16, 2006 judgment 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.

[I]f a judgment purports to be the final judgment in a case involving multiple claims or multiple parties, 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).

For example: "Pursuant to the jury verdict entered on (date), judgment in the amount of \$\_\_\_\_\_ is hereby entered in favor of Plaintiff X and against Defendant Y upon counts I through IV of the complaint." A statement that declares "there are no other outstanding claims" is not a judgment. If the circuit court intends that claims other than those listed in the judgment language should be dismissed, it must say so; for example, "Defendant Y's counterclaim is dismissed," or "Judgment upon Defendant Y's counterclaim is entered in favor of Plaintiff/Counter-Defendant Z, or "all other claims, counterclaims, and cross-claims are dismissed."

Id. at 119-20 n.4, 869 P.2d at 1338-39 n.4. "[A]n appeal from any judgment will be dismissed as premature if the judgment does not, on its face, either resolve all claims against all parties or contain the finding necessary for certification under HRCP [Rule] 54(b)." Id. at 119, 869 P.2d at 1338.

Although Plaintiffs/Appellees/Cross-Appellees Hawaii

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

Golden Gloves, Inc., Wahiawa Boxing Club, Carl Phillips, Connie Phillips, Eugene Kostron, Ben Merritt, Carl Phillips, Jr., John Phillips, Tony Madolora, Brian Battease, Isaac Tarik, Bryan Kaipo Midro, Juliet De Guzman, Bernard Soriano, and Timothy L. Harding's complaint asserted multiple claims through four separate counts, the May 16, 2006 judgment

- does not, on its face, resolve all claims against all parties,
- does not identify the claim or claims on which the circuit court is entering judgment, and
- does not dismiss all of the other claims on which the circuit court is not entering judgment.

Therefore, the May 16, 2006 judgment does not satisfy the requirements for an appealable final judgment under HRCF Rule 58 and the holding in Jenkins v. Cades Schutte Fleming & Wright. Absent an appealable final judgment, this appeal and cross-appeal are premature. Therefore,

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

DATED: Honolulu, Hawai'i, September 8, 2006.

  
Chief Judge

  
Associate Judge

  
Associate Judge