

NO. 28078

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

RUSSELL HONMA, INDIVIDUALLY, and
RUSSELL HONMA AS GUARDIAN PROCHEIN AMI OF
JOSEPH HONMA, MAILE HONMA, AND MAYA HONMA, MINORS,
Plaintiffs-Appellants,

v.

THOMAS HONMA, INDIVIDUALLY,
THOMAS HONMA AS TRUSTEE OF THE TRUST OF LIZO HONMA,
and THOMAS HONMA AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF LIZO HONMA,
Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CV. NO. 05-1-1509-08)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we lack jurisdiction over Plaintiff-Appellant Russell Honma's appeal, because because the circuit court has not entered an appealable final judgment, order, or decree.

HRS § 641-1(a) (Supp. 2005) authorizes appeals from "final judgments, orders, or decrees[.]" Furthermore, under Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP), "[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,

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

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869 P.2d 1334, 1338 (1994). "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 circuit court has not entered an appealable final judgment, order, or decree, as HRS § 641-1(a) (Supp. 2005) requires for appellate review. Absent an appealable final judgment, order, or decree, this appeal is premature. Therefore,

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

DATED: Honolulu, Hawai'i, October 18, 2006.


Chief Judge



Associate Judge


Associate Judge