

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28107

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

ELEAPER UDAN RAGOJO,
Plaintiff/Counterclaim-Defendant/Appellant,
and
PAMALU TRUCK BED SHIELD, LLC,
Plaintiff/Appellant,
v.
AUDREY KAMAI, DIANE CRISOLOGO,
Defendants/Counterclaim-Plaintiffs/Appellees

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

2006 NOV -6 PM 12:00

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CV. NO. 05-1-0316-02)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we lack jurisdiction over Plaintiff/Counterclaim-Defendant/Appellant Eleaper Udan Ragojo (Appellant Ragojo) and Plaintiff/Appellant Pamalu Truck Bed Shields, LLC's (Appellant Pamalu Truck Bed Shields), appeal from the Honorable Eden Elizabeth Hifo's July 18, 2006 judgment, because the July 18, 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). Furthermore, “if the judgment resolves fewer than all claims against all parties, or reserves any claim for later action by the court, an appeal may be taken only if the judgment contains the language necessary for certification under HRCP [Rule] 54(b)[.]” Id. Therefore, “an 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.

Although Appellant Rogojo and Appellant Pamalu Truck Bed Shields asserted multiple claims in their complaint, and Defendants/Counterclaim-Plaintiffs/Appellees Audrey Kamai and Diane Crisologo asserted multiple claims in their counterclaim, the July 18, 2006 judgment does not identify the claims for which judgment is entered, nor does the July 18, 2006 judgment specifically state that judgment is entered on all of the parties' multiple claims.

Therefore, the July 18, 2006 judgment does not satisfy

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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 is premature. Therefore,

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

DATED: Honolulu, Hawai'i, November 6, 2006.

James A. Burns

Chief Judge



Associate Judge

Clair R. Foley

Associate Judge