

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28267

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

MARY ANN LEE, IN HER CAPACITY AS PERSONAL REPRESENTATIVE  
OF THE ESTATE OF ROSS UNEBASAMI, DECEASED, AND  
IN HER PERSONAL CAPACITY, Plaintiff-Appellant,

v.

HAWAI'I PACIFIC HEALTH, INC., a Hawai'i Not-For-Profit  
Corporation, KAPI'OLANI MEDICAL CENTER FOR WOMEN AND CHILDREN  
AND JOHN DOES 1-99, et al., Defendants-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CV. NO. 06-1-0656-04)

ORDER DISMISSING APPEAL AND CROSS-APPEAL  
(By: Lim, Presiding J., Foley and Fujise, JJ.)

Upon review of the record, it appears that we lack jurisdiction over Plaintiff/Appellant/Cross-Appellee Mary Ann Lee's (Appellant Lee) appeal and Defendants/Appellees/Cross-Appellants Hawai'i Pacific Health, Inc. (Cross-Appellant Hawai'i Pacific Health), and Kap'iolani Medical Center for Women and Children's (Cross-Appellee Kap'iolani Medical Center) cross-appeal, because the Honorable Victoria S. Mark's October 10, 2006 judgment and December 4, 2006 judgment are not appealable final judgments under HRS § 641-1(a) (Supp. 2005), Rule 58 of the Hawai'i Rules of Civil Procedure (HRCPP), and the holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

Under the HRCPP 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

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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). Although the parties asserted multiple claims in this case, neither the October 10, 2006 judgment nor the December 4, 2006 judgment specifically identifies the claim or claims on which the circuit court was entering judgment. Therefore, neither the October 10, 2006 judgment nor the December 4, 2006 judgment satisfies the requirements for an appealable final judgment under HRCP Rule 58 and the holding in Jenkins v. Cades Schutte Fleming & Wright.

Absent an appealable final judgment, this appeal and cross-appeal are premature. Accordingly,

IT IS HEREBY ORDERED that the appeal and cross-appeal in appellate court case number 28267 are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, February 1, 2007.

  
Presiding Judge

  
Associate Judge

  
Associate Judge