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K. HANAKADO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

NO. 28318

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

FRANCIS GRANDINETTI, III, et al., Plaintiffs-Appellants, v.  
CORRECTIONS CORPORATION OF AMERICA, dba CCA, a  
multi-state company doing business in the State of  
Hawaii, et al., Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(Civ. No. 06-1-1762)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we lack jurisdiction over Plaintiff-Appellant Francis Grandinetti, III's appeal from the following orders entered by the Honorable Karen S. S. Ahn:

- (1) the November 24, 2006 "Order Denying Plaintiff's Criminal Complaint to Bench Warrant Judge and Application for T.R.O. Relief, Waiver of Costs, Fees and Attorney Expenses, and Extension of Time; Notice of Entry";
- (2) the November 24, 2006 "Order Denying Plaintiff's Removal Motion and Notice of Federal Complaint; Notice of Entry"; and

(3) the March 7, 2007 "Order Denying Appellate Motion for TRO, Emergency Injunction(s); Notice of Entry[.]"

Hawaii Revised Statutes (HRS) § 641-1(a) (Supp. 2006) authorizes appeals from "final judgments, orders, or decrees[.]" A "final order" under HRS § 641-1(a) (Supp. 2006) is "an order ending the proceedings, leaving nothing further to be accomplished." Familian Northwest, Inc. v. Central Pacific Boiler & Piping, Ltd., 68 Haw. 368, 370, 714 P.2d 936, 937 (1986) (citations and internal quotation marks omitted). Furthermore, based on the separate document rule under Hawai'i Rules of Civil Procedure (HRCP) Rule 58, "[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, 869 P.2d 1334, 1338 (1994). "[I]f 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.


None of the appealed orders has ended the proceedings, leaving nothing further to be accomplished; thus, none of the orders is a "final order" under HRS § 641-1(a) (Supp. 2006). Further, the circuit court has not certified any of the orders for an appeal pursuant to HRS § 641-1(b) (Supp. 2006) or HRCP Rule 54(b), or entered a final judgment pursuant to HRCP Rule 58. Therefore, the orders are not appealable final orders under HRS § 641-1(a) (Supp. 2006).

Absent an appealable final judgment, order, or decree, this appeal is premature and we lack appellate jurisdiction. Accordingly,

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

DATED: Honolulu, Hawai'i, April 27, 2007.

*Corinne KA Watakebe*  
Acting Chief Judge

  
Associate Judge

*Daniel R. Foley*  
Associate Judge