

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28469

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

HAWAII CONFERENCE OF THE UNITED CHURCH OF CHRIST,  
a Hawai'i non-profit corporation, Plaintiff-Appellee,

v.

NORMAN A. KEANAAINA,  
Defendant/Third-Party Plaintiff/Appellant,  
and

MAUNA ZIONA CHURCH aka KEKAHA PROTESTANT CHURCH, MAUNA ZIONA,  
a Hawai'i non-profit corporation,  
Defendant/Third-Party Plaintiff/Appellee,  
and

DOE PERSONS OR ENTITIES 1-100, Defendants

v.

CHUN, KERR, DODD, BEAMAN & WONG, LLP;  
LEROY E. COLOMBE #3662-0, and ANDREW R. BUNN #6358-0,  
Third-Party Defendants/Appellees

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(Civ. No. 06-1-0113K)

ORDER DISMISSING APPEAL

(By: Recktenwald, C.J., Watanabe, and Nakamura, JJ.)

Upon review of the record, it appears that we lack jurisdiction over Defendant/Third-Party Plaintiff/Appellant Norman A. Keanaaina's (Appellant Keanaaina) appeal from the Honorable Elizabeth A. Strance's February 28, 2007 "Order Granting Plaintiff's Motion for Summary Judgment as to Counts I and III Filed November 27, 2006" because the Circuit Court of the Third Circuit (the circuit court) has not entered a separate, final judgment that resolves all claims pursuant to Hawai'i Rules of Civil Procedure (HRCP) Rule 58 and the holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

Hawaii Revised Statutes § 641-1(a) (Supp. 2006) authorizes appeals to the intermediate court of appeals from "final judgments, orders, or decrees[.]" Furthermore, under HRCP Rule 58, "[a]n appeal may be taken . . . 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

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CLERK, APPELLATE COURTS  
STATE OF HAWAII

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to HRCP [Rule] 58[.]" Jenkins, 76 Hawai'i at 119, 869 P.2d at 1338. "An appeal from an order that is not reduced to a judgment in favor of 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.

Although the circuit court entered the February 28, 2007 summary judgment order, the circuit court has not yet resolved Count II of Plaintiff-Appellee Hawaii Conference of the United Church of Christ's complaint, nor has the circuit court resolved Appellant Keanaaina and Defendant/Third-Party Plaintiff/Appellee Mauna Ziona Church's third-party complaint against Third-Party Defendants/Appellees Chun, Kerr, Dodd, Beaman & Wong, LLP, Leroy E. Colombe, and Andrew R. Bunn. Furthermore, although HRCP Rule 54(b) authorizes the entry of a judgment on less than all of the parties' claims, the circuit court has not reduced the February 28, 2007 summary judgment order to a separate judgment in favor of and against the appropriate parties pursuant to HRCP Rule 54(b). Absent an appealable final judgment, we lack jurisdiction over this appeal. Therefore,

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

DATED: Honolulu, Hawai'i, June 26, 2007.



Chief Judge



Associate Judge



Associate Judge