

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 28716

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

OLGA MARY LANSING,
Plaintiff-Appellant,

v.

NANCEE JENKO-CRISPIN,
Defendant-Appellee.NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 DEC 17 PM 2:16

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 06-1-1891)ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we lack jurisdiction over Plaintiff/Counterclaim-Defendant/Appellant Olga M. Lansing's (Appellant Lansing) appeal from the Honorable Karen N. Blondin's August 3, 2007 "Order Denying Plaintiff Olga Mary Lansing's Motion for Judgment Filed January 22, 2007" (the August 3, 2007 order) because the circuit court has not yet reduced any dispositive rulings to a separate final judgment pursuant to 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).

Appellant Lansing is appealing from the August 3, 2007 order pursuant to Hawai'i Revised Statutes (HRS) § 641-1(a) (Supp. 2006), which authorizes appeals from "final judgments, orders, or decrees[.]" HRS § 641-1(a) (Supp. 2006). Appeals

under HRS § 641-1 (Supp. 2006) "shall be taken in the manner . . . provided by the rules of the court." HRS § 641-1(c) (Supp. 2006). The Hawai'i Rules of Civil Procedure "govern the procedure in the circuit courts of the State in all suits of a civil nature whether cognizable as cases at law or in equity, with the exceptions state in Rule 81." HRCP Rule 1. HRCP Rule 58 requires that "[e]very judgment shall be set forth on a separate document." Based on 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 at 119, 869 P.2d at 1338.

On October 29, 2007, the appellate court clerk filed the record on appeal for appellate court case number 28716. According to the record on appeal for appellate court case number 28716, the circuit court has not reduced the August 3, 2007 order to a separate and final judgment, as HRCP Rule 58 requires for appealability under the holding in Jenkins v. Cades Schutte Fleming & Wright. "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." Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 120, 869 P.2d at 1339 (footnote omitted). Therefore,

IT IS HEREBY ORDERED that this appeal in appellate

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court case number 28716 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, December 17, 2007.

Mum Reedman

Chief Judge

Corinne KA Watanabe

Associate Judge

Chris H. Nakamura

Associate Judge