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NO. 29010

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

STATE FARM LIFE INSURANCE COMPANY, Plaintiff-Appellee,

v.

WARLITO GOROSPE, Defendant-Appellant,

and

AMBER GOROSPE, a minor, Defendant-Appellee.

2008 MAY 21 AM 11:01
E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII
FILED

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 06-1-0011 (HILO))

ORDER GRANTING APRIL 30, 2008 MOTION TO DISMISS APPEAL
(By: Recktenwald, C.J., Watanabe and Nakamura, JJ.)

Upon review of (1) the April 30, 2008 motion that Defendant/Cross-Claim Plaintiff/Appellee Amber Gorospe (Appellee Amber Gorospe) filed to dismiss this appeal, (2) a lack of any written opposition by Defendant/Cross-Claim Defendant/Appellant Warlito Gorospe (Appellant Warlito Gorospe), and (3) the record, it appears that we lack jurisdiction over Appellant Warlito Gorospe's appeal from rulings that the Honorable Glenn S. Hara has made in this case, because the circuit court has not yet entered an appealable final judgment.

Hawai'i Revised Statutes (HRS) § 641-1(a) (1993 & Supp. 2007) authorizes appeals to the intermediate court of appeals only from "final judgments, orders, or decrees[.]" (Emphasis added). Furthermore, pursuant to the separate document rule under Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP), "[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 to HRCP [Rule] 58[.]" Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994). "An appeal from an order that is not reduced to a judgment in favor 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 (footnote omitted). The circuit court has not yet entered a final judgment in this case. Therefore, Appellant Warlito Gorospe's appeal is premature. Absent an appealable final judgment, we lack appellate jurisdiction. Therefore,

IT IS HEREBY ORDERED that Appellee Amber Gorospe's April 30, 2008 motion to dismiss this appeal is granted, and this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, May 21, 2008.

Chief Judge

Associate Judge

Associate Judge