

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 29231

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

RHONDA LEE NORWOOD-CHING, Plaintiff-Appellant,
STATE OF HAWAII, Defendant-Appellee,

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(Civ. No. 08-1-137K)

ORDER DISMISSING APPEAL

(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record for this case, it appears that we lack jurisdiction over the appeal that Plaintiff-Appellant Rhonda Lee Norwood-Ching (Appellant Norwood-Ching) has asserted in Civil No. 08-1-137K, the Honorable Ronald Ibarra presiding, because the circuit court has not entered a final judgment.

Hawaii Revised Statutes (HRS) § 641-1(a) (1993 & Supp. 2007) authorizes appeals from "final judgments, orders, or decrees[.]" Appeals under HRS § 641-1 "shall be taken in the manner . . . provided by the rules of the court." Rule 58 of the Hawaii Rules of Civil Procedure (HRCP) requires that "[e]very judgment shall be set forth on a separate document." Based on this requirement under HRCP Rule 58, the Supreme Court of Hawaii has held that "[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 Hawaii 115, 119, 869 P.2d 1334, 1338 (1994). The circuit court has not entered a separate judgment that resolves, on its face, all of the claims in this case.

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

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Absent an appealable final judgment, this appeal is premature and must be dismissed for lack of appellate jurisdiction. Accordingly,

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

DATED: Honolulu, Hawai'i, October 24, 2008.


Presiding Judge


Associate Judge


Associate Judge