

NO. 29341

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

OLGA MARY LANSING,
Plaintiff/Counterclaim-Defendant/Appellant,

v.

NANCEE JENKO-CRISPIN,
Defendant/Counterclaim-Plaintiff/Appellee.

EMILIANO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2009 JAN 26 AM 11:16

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIV. NO. 06-1-1891-10)

ORDER DISMISSING APPEAL
FOR LACK OF APPELLATE JURISDICTION
(By: Foley, Presiding Judge, Fujise and Leonard, 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 27, 2008 judgment in favor of Defendant/Counterclaim-Plaintiff/Appellee Nancee Jenko Crispin (Appellee Jenko Crispin) because the August 27, 2008 judgment does not satisfy the requirements for an appealable 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).

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." HRS § 641-1(c) (1993 & Supp. 2007). HRCP Rule 58 requires that "[e]very judgment shall be set forth on a separate document." Based on this requirement, the Supreme Court of Hawai'i 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, 76 Hawai'i at 119, 869 P.2d at 1338.

[I]f a judgment purports to be the final judgment in a case involving multiple claims or multiple parties, the judgment (a) must specifically identify the party or parties for and against whom the judgment is entered, and (b) must (i) identify the claims for which it is entered, and (ii) dismiss any claims not specifically identified[.]

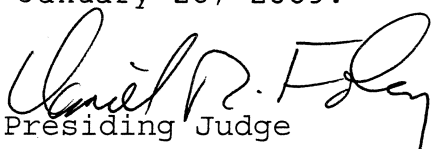
Id. (emphasis added). "[A]n appeal from any judgment will be dismissed as premature if the judgment does not, on its face, either resolve all claims against all parties or contain the finding necessary for certification under HRCP [Rule] 54(b)."


Id.

Although the parties in this case have asserted multiple claims through Appellant Lansing's complaint and Appellee Jenko-Crispin's counterclaim, the August 27, 2008 judgment does not identify the claim or claims on which judgment is entered. Therefore, the August 27, 2008 judgment does not satisfy the requirements for an appealable judgment under HRCP Rule 58 and the holding in Jenkins. Absent an appealable final judgment, this appeal is premature.

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

DATED: Honolulu, Hawai'i, January 26, 2009.


Presiding Judge


Associate Judge


Associate Judge