

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 29465

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

IN THE MATTER OF RICHARD BLAISDELL  
APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 08-1-0958)

NORMA T. YARAH  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2009 MAR -4 PM 3:18

FILED

ORDER DISMISSING APPEAL  
FOR LACK OF APPELLATE JURISDICTION  
(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 Richard Blaisdell is asserting from the Honorable Karl K. Sakamoto's October 21, 2008 "Order Denying Plaintiff Richard Blaisdell's Non-Hearing Motion for Temporary Restraining Order and/or Preliminary Injunction" (the October 21, 2008 interlocutory order) because the circuit court has not reduced the October 21, 2008 interlocutory order to a separate 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." HRS § 641-1(c) (1993 & Supp. 2007). Rule 58 of the Hawai'i Rules of Civil Procedure (HRCPP) requires that "[e]very judgment shall be set forth on a separate document." Based on the separate document 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 HRCPP [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 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.

The October 21, 2008 interlocutory order is not independently appealable, and the circuit court has not yet

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entered a final judgment in favor of and against the appropriate parties. Absent an appealable final judgment, this appeal is premature and must be dismissed for lack of appellate jurisdiction.

Accordingly, IT IS HEREBY ORDERED that appellate court case number 29465 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 4, 2009.

  
Daniel R. Foley  
Presiding Judge

  
Auna Don Grigori  
Associate Judge

  
Associate Judge