

NO. 29580

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

WILLARD M. IMAMOTO, Plaintiff-Appellant,

v.

KAHI MOHALA HOSPITAL, DR. KIMBERLY CHARLTON,  
CELIA ONA, HAWAII STATE HOSPITAL, DR. JULIE TRIHN,  
DUDLEY AKAMA, DR., MICHAEL CHANG, JAMIE ROMAN, CHIYOMI FUKINO,  
Defendants-Appellees,

and

RUPERT GOETZ, Defendant.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 07-1-1963)

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 Willard Max Imamoto (Appellant Imamoto) is asserting from the Honorable Glenn J. Kim's August 29, 2008 "Order Granting Defendant Dudley Akama's Motion for Summary Judgment," October 23, 2008 "Order Granting Defendants Kahi Mohala Hospital's, Dr. Kimberly Charlton's and Dr. Celia Ona's Motion for Summary Judgment Filed 9/17/08," December 4, 2008 "Order Granting Julie Trihn M.D.'s Motion for Summary Judgment," and December 4, 2008 "Order Granting Chiyomi Fukino, M.D.'s Motion to Dismiss," because the circuit court has not reduced these orders to a separate, final judgment that resolves all claims against all parties.

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 Hawaii Rules of Civil Procedure (HRCPP) requires that "[e]very judgment shall be set

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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 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 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.

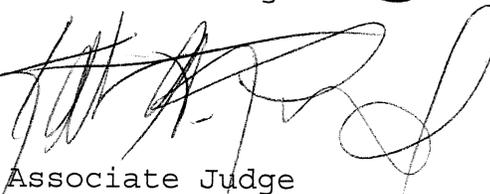
The circuit court has not reduced any of its dispositive rulings to separate, final judgment that resolves all of the claims in this case. Absent a separate, final judgment, this appeal is premature and must be dismissed for lack of appellate jurisdiction.

Accordingly, IT IS HEREBY ORDERED that appellate court case number 29580 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 31, 2009.

  
Daniel R. Foley  
Presiding Judge

  
Associate Judge

  
Associate Judge