

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26860

IN THE SUPREME COURT OF THE STATE OF HAWAII

---

ERNEST J. SASAKI and KATHERINE K. SASAKI, Plaintiffs-Appellees

vs.

GEORGIALYNN MORISAKO and KEVIN SANTANA, JR.,  
Defendants-Appellants

and

STERLING OGATA, Defendant

---

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT  
(CIV. NO. 3RC04-1-0304)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that entry of the September 2, 2004 judgment for damages against defendants Morisako and Santana did not finally end the litigation in Civil No. 3RC04-1-0304 inasmuch the plaintiffs' claims against defendant Ogata had not been resolved. The September 2, 2004 judgment was not certified as a final judgment pursuant to DCRCP 54(b). Thus, the appeal of the September 2, 2004 judgment is premature and we lack jurisdiction. See HRS § 641-1(a); Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 427, 984 P.2d 1251, 1253 (1999) (a district court judgment or order is final and appealable under HRS § 641-1(a) if it ends the litigation by fully deciding the rights and liabilities of all parties and leaves nothing further to be adjudicated.); Ciesla v. Reddish, 78

NORMA T. YARA  
CLERK APPELLATE COURT  
STATE OF HAWAII

2005 MAR 14 PM 2:13

FILED

\*\*\* NOT FOR PUBLICATION \*\*\*

Hawai'i 18, 889 P.2d 702 (1995) (a district court summary possession case is appealable within thirty days after entry of a judgment for possession and/or after entry of an order finally determining all claims). Therefore,

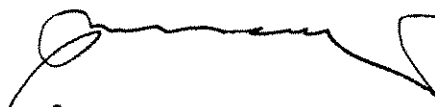
IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 14, 2005.



Steven R. Levinson

Aunna A. Nakamura



Damon E. Duffin, Jr.