

*** NOT FOR PUBLICATION ***

NO. 26918

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ASSOCIATION OF APARTMENT OWNERS OF 2987 KALAKAUA, by its Board of
Directors, Plaintiff/Counterclaim Defendant-Appellee

vs.

JOHN M. DUBOIS, Defendant/Counterclaimant-Appellant

and

TIMOTHY M. PRINDABLE, Defendant/Counterclaimant

and

ASSOCIATION OF APARTMENT OWNERS OF 2987 KALAKAUA, by its Board of
Directors, Third-Party Plaintiff/Counterclaim Defendant

vs.

RICHARD DIEHL,
Third-Party Defendant/Counterclaimant/Cross-Claim Defendant

and

JOHN M. DUBOIS and TIMOTHY M. PRINDABLE, Cross-Claimants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 00-1-2060)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that all claims of all the parties have been resolved in Civil No. 00-1-2060, but a judgment resolving all claims has not been entered pursuant to HRCF 58. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-120, 869 P.2d 1334, 1338-39 (1994) (In a multi-claim, multi-party circuit court case, the appealable final

A COURT REPORTER
 IDENTIFIED THE PARTIES
 STATE OF HAWAII

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judgment is a judgment that "on its face, show[s] finality as to all claims against all parties."). The October 15, 2004 judgment is a judgment only on defendant Dubois' counterclaims and absent entry of a judgment resolving all of the parties' claims, the appeal of the October 15, 2004 judgment is premature. Thus, we lack jurisdiction. Therefore,

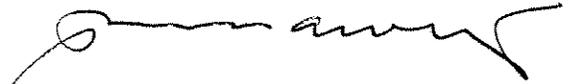
IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 22, 2005.



Steven H. Levinson

Puna C. Nakayama



Samuel E. Duggan