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STATE OF HAWAII

*** NOT FOR PUBLICATION ***

NO. 27007

IN THE SUPREME COURT OF THE STATE OF HAWAII

MICHAEL A. PEROUTKA, CHUCK BALDWIN and DAVID W. PORTER,
Appellants-Appellants

vs.

DWAYNE D. YOSHINA, Chief Elections Officer, State of Hawai'i,
Appellee-appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 04-1-1904)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the circuit court's November 23, 2004 order affirming the administrative decision in Civil No. 04-1-1904 has not been reduced to a separate judgment as required by HRCP 58 and 72(k). Thus, this appeal is premature and we lack jurisdiction. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994). Therefore,

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

DATED: Honolulu, Hawai'i, March 11, 2005.

Steven H. Levinson

Pamela Nakayama

James E. Duffy, Jr.