

*** NOT FOR PUBLICATION ***

NO. 27116

IN THE SUPREME COURT OF THE STATE OF HAWAII

MARY CRAWFORD, Plaintiff-Appellant

vs.

KAUAI MEDICAL CLINIC; DONNA S. CHENG, M.D.; BAY CLINIC, INC.; and
MANGUESH G. VELINGKER, M.D., Defendants-Appellees

APPEAL FROM THE FIFTH CIRCUIT COURT
(CIV. NO. 02-1-0119)

ORDER DISMISSING APPEAL

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

Upon review of the statements supporting and contesting jurisdiction and the record, it appears that the circuit court's January 14, 2005 order granting summary judgment as to all claims was not reduced to a separate judgment, as required by HRCP 58. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994) (an order that resolves claims in a circuit court civil case is not appealable unless the order is reduced to separate judgment pursuant to HRCP 58). The premature appeal provision of HRAP 4(a)(2) does not apply to appellant's February 9, 2005 notice of appeal inasmuch as no separate judgment was entered by the time the record for Civil No. 02-1-0119 was filed in the supreme court on April 11, 2005. See Jenkins, 76 Hawai'i at 120, 869 P.2d at 1339 ("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

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dismissed."). Thus, this appeal is premature and we lack jurisdiction. Therefore,

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

DATED: Honolulu, Hawai'i, May 9, 2005.



Steven A. Levinson

Pamela A. Nakayama



Pamela A. Nakayama