

*** NOT FOR PUBLICATION ***

NO. 27162

IN THE SUPREME COURT OF THE STATE OF HAWAII

FILED
2005 JUL 29 AM 9:38
CLERK APPELLATE COURTS
STATE OF HAWAII
E. J. RIMANDO

COUNTY OF HAWAII, a municipal corporation of the State of Hawaii, Plaintiff-Appellee,

vs.

ALA LOOP HOMEOWNERS, an unincorporated association, Defendant-Appellee,

and

WAI'OLA WATERS OF LIFE CHARTER SCHOOL, a public school organized under the laws of the State of Hawaii, Defendant-Appellant,

and

JOHN DOES 1-10, JANE DOES 1-10, DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10, and DOE ENTITIES 1-10, Defendants-Appellees.

ALA LOOP COMMUNITY ASSOCIATION, an unincorporated non-profit association, Third-Party Plaintiff,

vs.

LAND USE COMMISSION, STATE OF HAWAII, Third-Party Defendant.

APPEAL FROM THE THIRD CIRCUIT COURT
(CV. NO. 03-1-0308)

ORDER DISMISSING APPEAL

(By: Nakayama, J. for the court¹)

Upon review of the record, it appears that the March 4, 2005 judgment, the Honorable Greg K. Nakamura presiding, which purports to be the final judgment on the cross-claims for declaratory and injunctive relief by Ala Loop Homeowners against

¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

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Wai'ola Waters of Life Charter School, does not enter judgment in favor of Ala Loop Homeowners and against Wai'ola Waters of Life Charter School on the cross-claims and does not identify the cross-claims as the claims for which the judgment is entered, as required by Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-120, 869 P.2d 1334, 1339-39 (1994) (In a multiple-claim, multiple-party circuit court case, a judgment that purports to be the final judgment is not appealable unless the judgment enters judgment in favor of and against the appropriate parties and identifies the claims for which the judgment is entered.). 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, July 29, 2005.

FOR THE COURT:

Pamela A. Nakayama

Associate Justice

