

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 27194

IN THE SUPREME COURT OF THE STATE OF HAWAII

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STATE OF HAWAII  
E. M. RUIBANDO

2005 JUL 29 AM 9:38

FILED

PACIFIC SOURCE, INC., a Washington Corporation,  
Lienor-Appellant,

vs.

ROBERT TAPIA and ALICIA H. TAPIA, Owners-Appellees,

and

BANK OF HAWAII, a Hawai'i corporation, Mortgagee,

and

JOHN DOES 1-50; JANE DOES 1-50; DOE CORPORATIONS 1-50; DOE  
PARTNERSHIPS 1-50; and DOE ENTITIES 1-50,  
Unidentified Respondents.

APPEAL FROM THE FIRST CIRCUIT COURT  
(M.L. NO. 04-1-0034)

ORDER DISMISSING APPEAL

(By: Nakayama, J. for the court<sup>1</sup>)

Upon review of the record, it appears that the circuit court's February 28, 2005 order denying the application for a mechanic's and materialman's lien finally resolved the lienor's claim for a lien. The February 28, 2005 order 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 a separate judgment pursuant to HRCP 58). Thus, the appeal of the February 28, 2005 order is premature and we lack jurisdiction. Therefore,

<sup>1</sup>Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

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

DATED: Honolulu, Hawai'i, July 29, 2005.

FOR THE COURT:

*Funa C. Nakayama*

Associate Justice

