

*** NOT FOR PUBLICATION ***

NO. 27210

IN THE SUPREME COURT OF THE STATE OF HAWAII

ERNEST J. SASAKI and KATHERINE K. SASAKI, Plaintiffs-Appellees,

vs.

GEORGIALYNN MORISAKO and KEVIN SANTANA, JR.,
Defendants-Appellants,

and

STERLING OGATA, Defendant.

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CLERK OF THE SUPREME COURT
STATE OF HAWAII

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CIV. NO. 3RC04-1-0304)

ORDER DISMISSING APPEAL
(By: Nakayama, J. for the court¹)

Upon review of the statements supporting and contesting jurisdiction and the record, it appears that entry of the September 2, 2004 judgment for damages against defendants Morisako and Santana did not finally end the litigation in Civil No. 3RC04-1-0304 inasmuch the plaintiffs' claims against defendant Ogata have not been resolved. The September 2, 2004 judgment was not certified as a final judgment pursuant to DCRCP 54(b). Thus, the appeal of the September 2, 2004 judgment is premature and we lack jurisdiction. See HRS § 641-1(a); Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 427, 984 P.2d 1251, 1253 (1999) (a district court judgment or order is final and appealable under HRS § 641-1(a) if it ends the litigation by

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

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fully deciding the rights and liabilities of all parties and leaves nothing further to be adjudicated.); Ciesla v. Reddish, 78 Hawai'i 18, 889 P.2d 702 (1995) (a district court summary possession case is appealable within thirty days after entry of a judgment for possession and/or after entry of an order finally determining all claims). Therefore,

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

DATED: Honolulu, Hawai'i, August 31, 2005.

FOR THE COURT:

Pamela A. Nakuliana

Associate Justice

