

*** NOT FOR PUBLICATION ***

NO. 27378

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

 PHILIP B. MAISE, Plaintiff-Appellee/Counterclaim Defendant

vs.

CECIL LORAN LEE, Defendant-Appellant/Counterclaimant

and

 MICHAEL BOYD, Defendant

 APPEAL FROM THE THIRD CIRCUIT COURT
 (CIV. NO. 01-1-0444)
ORDER DISMISSING APPEAL(By: Nakayama, J., for the court¹)

Upon review of the record, it appears that all claims against all the parties have been resolved in Civil No. 01-1-0444, but a judgment resolving all claims has not been entered pursuant to HRCP 58. See 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, an appeal may be taken after entry of a judgment that, *on its face*, resolves all claims against all the parties.). The September 30, 2004 judgment resolved only the plaintiff's claims against defendant Lee. The judgment did not resolve the plaintiff's claims against defendant Boyd and purported to, but did not resolve defendant Lee's counterclaim. Thus, this appeal is premature and we lack jurisdiction. Therefore,

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

 K. HAMAKA'DO
 CLERK, APPELLATE COURTS
 STATE OF HAWAII

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

DATED: Honolulu, Hawai'i, October 27, 2005.

FOR THE COURT:

Pamela L. Takayama

Associate Justice

