

*** NOT FOR PUBLICATION ***

NO. 27391

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DAMIEN WONG and EDMUND WONG, Plaintiffs-Appellants,

vs.

ROBERT GETZ; SHELL DEVELOPMENT CORP.-LAWAI, a Hawai'i corporation; TURTLE COVE REALTY, a Hawai'i corporation, Defendants-Appellees,

and

JOHN DOES 1-10; DOE CORPORATIONS 1-10; and DOE PARTNERSHIPS 1-10; DOE ASSOCIATIONS 1-10; and DOE OTHER ENTITIES 1-10, Defendants,

and

SHELL DEVELOPMENT CORP.-LAWAI, Third-Party Plaintiff,

vs.

TURTLE COVE REALTY; REAL ESTATE CONSULTANTS OF KONA; and ROES 1-10, Third-Party Defendants.

APPEAL FROM THE FIFTH CIRCUIT COURT
(CIV. NO. 98-0339)

ORDER DISMISSING APPEAL

(By: Nakayama, J. for the court¹)

Upon review of the record, it appears that the circuit court's June 16, 2005 order granting summary judgment as to all defendants was not reduced to a separate judgment, as required by HRCF 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 HRCF 58 by the time

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

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STATE OF HAWAII

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the record is filed in the supreme court). Thus, the appeal of the June 16, 2005 order 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,

FOR THE COURT:

Fania L. N. ...

Associate Justice