

*** NOT FOR PUBLICATION ***

NO. 27440

IN THE SUPREME COURT OF THE STATE OF HAWAII

FILED
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HONOLULU, HAWAII

FILED

VESTIN MORTGAGE, INC., a Nevada corporation; VESTIN FUND I, LLC, a Nevada limited liability company; VESTIN FUND II, LLC, a Nevada limited liability company; OWENS MORTGAGE INVESTMENT FUND, a California limited partnership; BRIDGE CAPITAL, INC., a Nevada corporation; and SUNSET FINANCIAL RESOURCES, INC., a Maryland corporation, Plaintiffs-Appellees

vs.

ALTERNATIVE DEBT PORTFOLIOS, L.P., a Delaware limited partnership; ALTERNATIVE DEBT PORTFOLIOS, LLC, a Nevada limited liability company, Defendants-Appellants

and

RIGHTSTAR AMG, LLC, a Hawai'i limited liability company; et al., Defendants

THE MORTGAGE GROUP, INC., a Hawai'i corporation,
Cross-Claim Plaintiff-Appellee

vs.

ALTERNATIVE DEBT PORTFOLIOS, L.P., a Delaware limited partnership; ALTERNATIVE DEBT PORTFOLIOS, LLC, a Nevada limited liability company, Cross-Claim Defendants-Appellants

and

RIGHTSTAR AMG, LLC, a Hawai'i limited liability company; et al., Cross-Claim Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 04-1-2126)

*** NOT FOR PUBLICATION ***

ORDER DISMISSING APPEAL

(By: Nakayama, J. for the court¹)

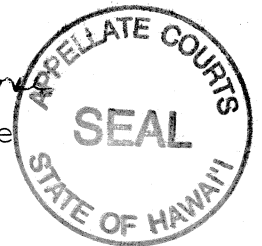
Upon review of the record, it appears that the circuit court's May 13, 2005 and August 10, 2005 orders granting summary judgment were not reduced to separate judgments, as required by HRCP 58. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994) (An order that resolves claims in a circuit court civil case is not appealable unless the order is reduced to a separate judgment pursuant to HRCP 58. If the order resolves fewer than all claims, the judgment must be certified under HRCP 54(b) and the certification language must be included in the judgment.). Thus, the appeal of the May 13, 2005 and August 10, 2005 orders 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, January 11, 2006.

FOR THE COURT:

Akua C. Nakayama
Associate Justice



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