

*** NOT FOR PUBLICATION ***

NO. 27585

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JOSEPH BECHTOL and CLYDE PETERSON, Plaintiffs-Appellants

vs.

ROBERT WARMINGTON and Nominal Defendant MANINIO'WALI EQUITY COMPANY, LLC, Defendants-Appellees

and

JOHN DOES 1-100, Defendants

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

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FILED

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 04-1-1779)

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

Upon review of the record, it appears that the circuit court's orders granting summary judgment in favor of the defendants were 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 separate judgment pursuant to HRCP 58 by the time the record is filed in the supreme court). Thus, this appeal 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, February 27, 2006.

FOR THE COURT:

Fumika Nakayama
Associate Justice



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