

NO. 27682

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LARRY A. JOHNSON, Plaintiff-Appellee

vs.

LYNN B. NAKKIM, Defendant-Appellant

 APPEAL FROM THE THIRD CIRCUIT COURT
 (CIV. NO. 05-1-0141)

 K. HAMAKAHO
 CLERK, APPELLATE COURTS
 STATE OF HAWAII

2006 MAR 20 PM 1:48

FILED

ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Plaintiff-Appellee Larry A. Johnson's motion to dismiss the appeal of Defendant-Appellant Lynn B. Nakkim for lack of appellate jurisdiction, the papers in support, and the records and files herein, it appears that: (1) pursuant to HRS § 641-1, appeals shall be allowed in civil matters from all final judgments, orders and decrees; (2) an appeal may be taken from circuit court orders resolving claims against parties only after the orders have been reduced to a judgment and the judgment has been entered in favor of and against the appropriate parties pursuant to Rule 58 of the Hawai'i Rules of Civil Procedure Rule 58. Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994); (3) an appeal from a decision that has not be reduced to a final judgment is premature and must be dismissed for lack of jurisdiction. Id.; (4) Appellant is appealing from an order that has not been reduced to a final judgment; and (5)

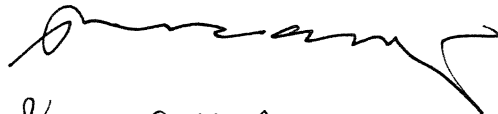
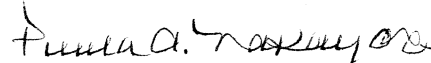
the appeal is premature, and this court lacks appellate jurisdiction. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss appeal for lack of appellate jurisdiction is granted, and this appeal is dismissed for lack of jurisdiction.

IT IS FURTHER ORDERED that the request for attorney's fees and costs is denied.

DATED: Honolulu, Hawai'i, March 20, 2006.

Daniel S. Peters
for plaintiff-appellee
on the motion



James E. Duggan, Jr.