

*** NOT FOR PUBLICATION ***

NO. 27717

IN THE SUPREME COURT OF THE STATE OF HAWAII

CAROLINE BISCHOFF and BETTY K. LEE,
Plaintiffs-Appellees

vs.

DANIEL K. CHING, PATRICIA Y. CHING,
and GERTRUDE C. YEE, Defendants-Appellants

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 JUN 21 AM 9:49

FILED

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CIV. NO. 1RC05-1-2805)

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

Upon review of the motion to dismiss appeal, the papers in support and in opposition and the record, it appears that the litigation Civil No. 1RC05-1-2805 has not ended inasmuch as the plaintiffs' claim for damages has not been adjudicated. Absent entry of judgment on the claim for damages, the appeal of the judgment of possession and the adjudication of the counterclaim is premature and we lack jurisdiction. See HRS § 641-1(a); Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 427, 984 P.2d 1251, 1253 (1999) (a district court judgment or order is final and appealable under HRS § 641-1(a) if it ends the litigation by fully deciding the rights and liabilities of all parties and leaves nothing further to be adjudicated.); Ciesla v. Reddish,

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

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78 Hawai'i 18, 889 P.2d 702 (1995) (a district court summary possession case is appealable within thirty days after entry of a judgment for possession and/or after entry of an order finally determining all claims). Therefore,

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

DATED: Honolulu, Hawai'i, June 21, 2006.

FOR THE COURT:

Danica E. Duddy, Jr.

Associate Justice

