

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 27739

IN THE SUPREME COURT OF THE STATE OF HAWAII

NETTIE JOHNSON, Plaintiff-Appellant

vs.

JAMES BEAMAN and HAWAII DISABILITY RIGHTS CENTER fna PROTECTION AND ADVOCACY OF HAWAII, Defendants-Appellees

APPEAL FROM THE FIRST CIRCUIT COURT (CIV. NO. 04-1-0412)

ORDER DISMISSING APPEAL (By: Nakayama, J., for the court<sup>1</sup>)

KHAMAKADO CLERK APPELLATE COURTS STATE OF HAWAII

2006 MAY 25 AM 11:11

FILED

Upon review of the record, it appears that the January 26, 2006 judgment, the Honorable Karen S.S. Ahn, presiding, was certified as a final judgment under HRCP 54(b), but the judgment does not contain the language necessary for HRCP 54(b) certification. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-120, 869 P.2d 1334, 1338-39 (1994) ("[I]f a judgment purports to be the final judgment in a case involving multiple claims or multiple parties . . . [and] . . . if the judgment resolves fewer than all claims against all parties, . . . an appeal may be taken only if the judgment contains the language necessary for certification under HRCP 54(b). . . . [T]he necessary finding of no just reason for delay . . . must be included in the judgment."). 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, May 25, 2006.

FOR THE COURT:

*Fumia A. Nakayama*  
Associate Justice



<sup>1</sup>Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.