

*** NOT FOR PUBLICATION ***

NO. 27769

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MARGRET GILLAN, HOWARD KELLER, M.D., Plaintiffs-Appellees

vs.

GOVERNMENT EMPLOYEES INSURANCE COMPANY, Defendant-Appellant

and

JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10; DOE PARTNERSHIPS 1-10; ROE NON-PROFIT CORPORATIONS 1-10; and ROE GOVERNMENTAL ENTITIES 1-10, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 05-1-0650)

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

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 MAY 25 AM 11:11

FILED

Upon review of the record, it appears that the February 27, 2006 judgment, the Honorable Sabrina S. McKenna, presiding, was certified as a final judgment under HRCF 54(b), but the judgment does not contain the language necessary for HRCF 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 HRCF 54(b). . . . [T]he necessary finding of no just reason for delay

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

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. . . 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:

Anna C. Nakayama
Associate Justice

