

*** NOT FOR PUBLICATION ***

NO. 27803

IN THE SUPREME COURT OF THE STATE OF HAWAII

GREAT SENECA FINANCIAL CORP.,
Plaintiff/Counterclaim Defendant/Appellee

vs.

CURTIS M. YAMURA, Defendant/Counterclaim Plaintiff/Appellant.

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CIV. CASE NO. 1RC 05-1-4314)

ORDER DISMISSING APPEAL

(By: Nakayama, J., for the court¹)

Upon review of the record, it appears that we do not have jurisdiction over Defendant/Counterclaim Plaintiff/Appellant Curtis M. Yamura's (Appellant Yamura) appeal from the district court's (1) order granting Plaintiff/Counterclaim Defendant/Appellee Great Seneca Financial Corp.'s (Appellee Great Seneca Financial) motion for summary judgment on Appellee Great Seneca Financial's complaint and (2) the order denying Appellant Yamura's motion to reconsider the order granting Appellee Great Seneca Financial's motion for summary judgment.

Pursuant to HRS § 641-1(a) (1993), appeals are allowed in civil matters from all final judgments, orders, or decrees of circuit and district courts. In district court cases, a judgment includes any order from which an appeal lies. A final order means an order ending the proceeding, leaving nothing further to be accomplished. When a written judgment, order, or decree ends the litigation by fully deciding all rights and liabilities of all parties, leaving nothing further to be adjudicated, the judgment, order, or decree is final and appealable.

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

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L.M. RIVARDO
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STATE OF HAWAII

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Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 426, 984 P.2d 1251, 1252 (1999) (citations, internal quotation marks, and footnote omitted) (emphasis added).

The district court, the Honorable Hilary B. Gangnes presiding, has not yet entered a final written order that resolves Appellant Yamura's counterclaim, and, thus, ends the proceeding, leaving nothing further to be adjudicated. See HRS § 641-1(a) (1993); Haw. Dist. Ct. R. Civ. P. 58; Haw. R. App. P. 4(a)(5). Therefore, Appellant Yamura's appeal is premature and we lack appellate jurisdiction. Accordingly,

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

DATED: Honolulu, Hawai'i, June 16, 2006.

FOR THE COURT:

Diana C. Trakopoulos
Associate Justice

