*** NOT FOR PUBLICATION ***

NO. 25503

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

SAMSON KAHUMOKU, Plaintiff-Appellant

vs.

GREG NAKAMURA, ART R. HERNANDEZ, RIKI MAY AMANO, HAWAII MEDICAL SUPERIORS, CHRISTI L. KELIIPIO, BEN GADDIS, DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAII, TED SAKAI, WARDEN; SENATOR DANIEL K. INOUYE, BENJAMIN CAYETANO, HAWAII PAROLING AUTHORITY ALFRED K. BEAVER, ACLU HAWAII, ROBIN K. MATSUNAGA, NOLAN ESPINDA, SISAR PADERES, VANESSA CHONG, Defendants-Appellees

and

JOHN DOES, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 02-1-0154)

ORDER DISMISSING APPEAL
(By: Moon, C.J., Levinson, Nakayama, and Acoba, JJ., and Circuit Judge Blondin, assigned by reason of vacancy)

Upon review of the record, it appears that the circuit court, the Honorable Sabrina S. McKenna presiding, has not reduced the appealed dismissal orders to a separate judgment, as Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP) requires. "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 HRCP [Rule] 58[.]" Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

> [I]f a judgment purports to be the final judgment in a case involving multiple claims or multiple partes, the judgment . . . must . . . specifically identify the party or parties for and against whom

> the judgment is entered, and . . . must . . . identify the claims for which it is entered, and . . . dismiss any claims not specifically identified[.]

Id. The HRCP Rule 58 separate document rule applies to all circuit court cases, including those cases that a circuit court resolves through dismissal orders. See, e.g., Price v. Obayashi Hawaii Corporation, 81 Hawai‘i 171, 176, 914 P.2d 1364, 1369 (1996) ("Although RCCH [Rule] 12(q) [(regarding dismissal for want of prosecution)] does not mention the necessity of filing a separate document, HRCP [Rule] 58, as amended in 1990, expressly requires that 'every judgment be set forth on a separate document.'"); CRSC, Inc. v. Sage Diamond Co., Inc., 95 Hawai‘i 301, 306, 22 P.3d 97, 102 (App. 2001) (("[W]here all claims are dismissed and there is no relevant HRCP Rule 54(b) certification as to one or more but not all of the dismissals, there must be one final order (judgment) dismissing all claims against all parties."). Without entry of an appealable final judgment, Plaintiff-Appellant Samson Kahumoku's 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, March 20, 2003.