

NO. 23303

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CHRISTINE DURBIN, Plaintiff-Appellant

vs.

JOHN DOUGLAS WEEKS II, also known as BOBBY WEEKS,
KAMEHAMEHA SCHOOLS/BERNICE PAUHI BISHOP ESTATE,
by its Trustees, RICHARD S. H. WONG, OSWALD K. STENDER,
LOKELANI LINDSEY, GERARD JERVIS, and
HENRY H. PETERS, Defendants-Appellees

and

JOHN DOES 2-100, Defendants

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 98-186K)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson,
Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that: (1) the October 18, 1999 order granting summary judgment on the complaint entered judgment in favor of defendant Weeks and in favor of defendant Bishop Estate; (2) the February 28, 2000 judgment, which purports to be the final judgment in Civil No. 98-0186K, enters judgment on the complaint in favor of Weeks, but does not enter judgment in favor of the Bishop Estate, as required by HRCP 58; see Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i

115, 119-120, 869 P.2d 1334, 1339-39 (1994); (3) entry of judgment on the claims against the Bishop Estate is not effected by the declaration in the February 28, 2000 judgment that "there are no further claims left for disposition"; see Jenkins, 76 Hawai'i at 120 n.4, 869 P.2d at 1339 n.4. ("A statement that declares 'there are no other outstanding claims' is not a judgment."); and thus, (4) 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, August 8, 2000