

NO. 23691

IN THE SUPREME COURT OF THE STATE OF HAWAII

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REINWALD O'CONNOR & PLAYDON, Plaintiff-Appellee

vs.

BURT L. SNYDER, Defendant-Appellant

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 99-4517)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that: (1) the disposition of the counterclaims asserted in Civil No. 99-4517 is not appealable because there is no separate judgment entering judgment in favor of and against the parties on the counterclaims, as required by HRCP 58 and by Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994); (2) the separate judgment entered on July 26, 2000 enters judgment on the complaint, not on the counterclaims; and, thus (3) 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, December 26, 2000.