

NO. CAAP-12-0000031

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

YUN MIN LIN,
Plaintiff/Counterclaim-Defendant/Appellee,
v.
GUANG BIN LIN and ICHIBAN SUSHI & BAR, INC.,
Defendants/Counterclaim-Plaintiffs/Appellants

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 10-1-0223)

ORDER GRANTING MARCH 30, 2012 MOTION TO
DISMISS APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of (1) Defendants/Counterclaim-Plaintiffs/
Appellants Guang Bin Lin and Ichiban Sushi & Bar, Inc.'s
(Appellants Guang Bin Lin and Ichiban Sushi & Bar) March 30, 2012
motion to dismiss Appeal No. CAAP-12-0000031 for lack of
appellate jurisdiction, (2) the lack of any memorandum in
opposition to Appellants Guang Bin Lin and Ichiban Sushi & Bar's
March 30, 2012 motion to dismiss Appeal No. CAAP-12-0000031 for

lack of appellate jurisdiction, and (3) the record, it appears that we lack jurisdiction over Appellants Guang Bin Lin and Ichiban Sushi & Bar's appeal from the Honorable Randal G.B. Valenciano's December 14, 2011 "Order Granting Plaintiff-Counterclaim Defendant Yun Min Lin's Motion for Summary Judgment against All Parties" (the December 14, 2011 interlocutory order), because the circuit court has not yet reduced the December 14, 2011 interlocutory order to a separate judgment that resolves all claims, as Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP) requires under the holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

IT IS HEREBY ORDERED that Appellants Guang Bin Lin and Ichiban Sushi & Bar's March 30, 2012 motion to dismiss Appeal No. CAAP-12-0000031 for lack of appellate jurisdiction is granted, and Appeal No. CAAP-12-0000031 is dismissed without prejudice to any party asserting a timely appeal from an appealable final judgment.

DATED: Honolulu, Hawai'i, April 26, 2012.

Presiding Judge

Associate Judge

Associate Judge