

NO. CAAP-12-0000772

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

TERESA J. MOORE, KEITH PARKINSON, and SHERRI PARKINSON
Plaintiffs-Appellants,
v.
DONNALYN M. MOSIER, BANK OF AMERICAN, N.A.,
Defendants-Appellees,
and
DOES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 12-1-1155)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Nakamura, C.J., Foley and Ginoza, JJ.)

Upon review of the record, it appears that this court lacks appellate jurisdiction over the appeal by Plaintiffs-Appellants Teresa J. Moore and Sherri Parkinson from the Order Granting Defendant Donnalyn M. Mosier's Motion to Dismiss Complaint Filed April 26, 2012 Without Prejudice as to Defendant Donnalyn M. Mosier, filed on August 10, 2012 in the Circuit Court

of the First Circuit. The August 10, 2012 order dismissed Defendant-Appellee Donnalyn M. Mosier as a defendant in the case without prejudice. The order was not certified pursuant to Hawaii Rules of Civil Procedure (HRCP) Rule 54(b). The order did not address Appellants' claims made against Defendant-Appellee Bank of America, N.A. in the Complaint or Verified First Amended Complaint. Therefore, it was not a final appealable order. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawaii 115, 119, 869 P.2d 1334, 1338 (1994). In addition, the record on appeal does not contain a judgment entered on the August 10, 2012 order. Therefore, there is no final appealable judgment that resolves all claims against all parties. Id.; HRCP Rule 58.

Therefore,

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

DATED: Honolulu, Hawaii, May 2, 2013.

Chief Judge

Associate Judge

Associate Judge