

NO. CAAP-13-0000018

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

FEDERAL HOME LOAN MORTGAGE CORPORATION,
Plaintiff-Appellee,

v.

LIZA PADRON and LETTY PADRON,
Defendants-Appellants,

and

JOHN DOES 1-10; et al., Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 11-1-1812)

ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION
(By: Nakamura, Chief Judge, Foley and Ginoza, JJ.)

Upon review of the record on appeal, it appears that we lack jurisdiction over this appeal that Defendants-Appellants Liza Padron and Letty Padron (the Padron Appellants) have asserted from the Honorable Rhonda A. Nishimura's December 18, 2012 judgment, because the December 18, 2012 judgment does not satisfy the requirements for an appealable final judgment under Hawaii Revised Statutes (HRS) 641-1(a) (1993 & Supp. 2012),

Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP) and the holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

HRS § 641-1(a) authorizes appeals to the intermediate court of appeals from final judgments, orders, or decrees. Appeals under HRS § 641-1 "shall be taken in the manner . . . provided by the rules of court." HRS § 641-1(c). HRCP Rule 58 requires that "[e]very judgment shall be set forth on a separate document." Based on HRCP Rule 58, the Supreme Court of Hawai'i requires that "[a]n appeal may be taken . . . 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, 76 Hawai'i at 119, 869 P.2d at 1338. "Thus, based on Jenkins and HRCP Rule 58, an order is not appealable, even if it resolves all claims against the parties, until it has been reduced to a separate judgment." Carlisle v. One (1) Boat, 119 Hawai'i 245, 254, 195 P.3d 1177, 1186 (2008). Furthermore,

if a judgment purports to be the final judgment in a case involving multiple claims or multiple parties, the judgment (a) must specifically identify the party or parties for and against whom the judgment is entered, and (b) must (i) identify the claims for which it is entered, and (ii) dismiss any claims not specifically identified[.]

Jenkins, 76 Hawai'i at 119, 869 P.2d at 1338 (emphases added).

"For example: 'Pursuant to the jury verdict entered on (date), judgment in the amount of \$___ is hereby entered in favor of Plaintiff X and against Defendant Y upon counts I through IV of the complaint.'" Id. at 119-20 n.4, 869 P.2d at 1338-39 n.4 (emphasis added). When interpreting the requirements for an

appealable final judgment under HRS § 641-1(a) and HRCF Rule 58, the Supreme Court of Hawai'i has explained that

[i]f we do not require a judgment that resolves on its face all of the issues in the case, the burden of searching the often voluminous circuit court record to verify assertions of jurisdiction is cast upon this court. Neither the parties nor counsel have a right to cast upon this court the burden of searching a voluminous record for evidence of finality[.]

Jenkins, 76 Hawai'i at 119, 869 P.2d at 1338 (original emphasis).

Although Plaintiff-Appellee Federal Home Loan Mortgage Corporation's August 18, 2011 complaint asserts two separate and distinct causes of action (1) for ejectment and (2) to quiet title, the December 18, 2012 judgment does not specifically identify the claim or claims on which the circuit court intends to enter judgment, as HRS § 641-1(a) and HRCF Rule 58 require for an appealable final judgment under the holding in Jenkins.

Absent an appealable final judgment in this case, the Padron Appellants' appeal is premature and we lack jurisdiction over appellate court case number CAAP-13-0000018. Therefore,

IT IS HEREBY ORDERED that appellate court case number CAAP-13-0000018 is dismissed for lack of jurisdiction.

DATED: Honolulu, Hawai'i, April 25, 2013.

Chief Judge

Associate Judge

Associate Judge