

NO. CAAP-15-0000803

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, HAWAII HEALTH SYSTEMS CORPORATION,
dba MAUI MEMORIAL MEDICAL CENTER,
Plaintiffs-Appellees,
v.
ERIC R. BRYANT, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 13-1-1027(2))

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record in CAAP-16-0000803, it appears that this court lacks appellate jurisdiction over the appeal. Defendant-Appellant Eric R. Bryant (Appellant) appeals from an "Findings of Fact and Conclusions of Law; Order," filed on October 5, 2015, in the Circuit Court of the Second Circuit.

"[A]ppeals shall be allowed in civil matters from all final judgments, orders, or decrees of circuit . . . courts[.]" Hawaii Revised Statutes (HRS) § 641-1(a) (1993 & Supp. 2015). Appeals under HRS § 641-1 "shall be taken in the manner . . . provided by the rules of court." HRS § 641-1(c). Rule 58 of the Hawai'i Rules of Civil Procedure (HRCPP) requires that "[e]very judgment shall be set forth on a separate document." "An appeal may be taken from circuit court orders resolving claims against

parties 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 v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994) (emphasis added). "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); Bailey v. DuVauchelle, 135 Hawai'i 482, 489, 353 P.3d 1024, 1031 (2015). "An appeal from an order that is not reduced to a judgment in favor or against the party by the time the record is filed in the supreme court will be dismissed." Jenkins, 76 Hawai'i at 120, 869 P.2d at 1339 (footnote omitted). There being no separate judgment in the record on appeal that complies with HRCP Rule 58 and Jenkins, this court lacks appellate jurisdiction over the appeal.

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

DATED: Honolulu, Hawai'i, May 19, 2016.

Presiding Judge

Associate Judge

Associate Judge