

NO. CAAP-15-0000940

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

DOE AND ROE, Plaintiffs-Appellants, v.
THE ETHICS COMMISSION OF THE CITY AND COUNTY OF HONOLULU,
Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 15-1-1749-09)

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

Upon review of the record in CAAP-15-0000940, it appears that this court lacks appellate jurisdiction over the appeal. Plaintiffs-Appellants Doe and Roe (Appellants) appeal from the Order Granting in Part and Denying in Part Defendant The Ethics Commission of the City and County of Honolulu's Motion to Dismiss Complaint for Declaratory and Injunctive Relief Filed September 4, 2015, filed on December 15, 2015, in the Circuit Court of the First 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 (HRCP) requires that "[e]very judgment shall be set forth on a separate document." HRCP Rule 58. "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