

NO. CAAP-16-0000059

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STEVEN ROBERTSON, Plaintiff-Appellee, v.
RICHARD D. ECKERLE, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 14-1-166K)

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

Upon review of records in CAAP-16-0000059, it appears this court lacks appellate jurisdiction. Defendant-Appellant Richard D. Eckerle (Appellant), pro se, appeals from the "Order Granting Plaintiff's Motion for Default Judgment; and Denying Defendant's Motion for Correction and Clarification of 'Order Denying as Moot Plaintiff's Motion to Set Aside Dismissal Pursuant to Rule 29 of the Rules of the Circuit Courts of the State of Hawaii,'" filed on January 12, 2016 in the Circuit Court of the Third Circuit.

HRS § 641-1(a) (1993 & Supp. 2016) authorizes 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). 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 . . . 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). "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).

The Circuit Court has not yet entered a final judgment in the case. Absent a final judgment, the January 12, 2016 "Order Granting Plaintiff's Motion for Default Judgment; and Denying Defendant's Motion for Correction and Clarification of 'Order Denying as Moot Plaintiff's Motion to Set Aside Dismissal Pursuant to Rule 29 of the Rules of the Circuit Courts of the State of Hawaii,'" is not yet appealable. Therefore, this court lacks appellate jurisdiction over the appeal.

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

DATED: Honolulu, Hawai'i, June 27, 2016.

Presiding Judge

Associate Judge

Associate Judge