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Intermediate Court of Appeals
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NO. CAAP-19-0000455

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

IN THE MATTER OF THE ESTATE OF BONNIE J. GREEN

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(PROBATE NO. 17-1-0066)

ORDER DISMISSING APPEAL

(By: Fujise, Presiding Judge, Leonard and Hiroka, JJ.)

Petitioner-Appellant Julie A. Berschauer (Berschauer) purports to appeal from the Amended Final Judgment entered by the Circuit Court of the First Circuit in P. No. 17-1-0066 (JHA) on December 31, 2019.

[I]f 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; (3) if the judgment resolves fewer than all claims against all parties, or reserves any claim for later action by the court, an appeal may be taken only if the judgment contains the language necessary for certification under HRCP 54(b) [.]

Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994) (underscoring added). The Amended Final Judgment is based upon Berschauer's First Amended Complaint, filed on December 7, 2018, but it does not, on its face, resolve the claims against respondents Bank of Hawaii or the estate of Bonnie Green that are alleged in the First Amended


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Complaint. Nor does it "dismiss any claims not specifically identified[.]" The Amended Final Judgment does not contain the language necessary for certification under Hawai'i Rules of Civil Procedure (HRCP) Rule 54(b). "[A]n appeal from any judgment will be dismissed as premature if the judgment does not, on its face, either resolve all claims against all parties or contain the finding necessary for certification under HRCP 54(b)." Id.

Therefore, this appeal is dismissed for lack of jurisdiction. All pending motions are dismissed.

DATED: Honolulu, Hawai'i, March 5, 2020.


Presiding Judge


Associate Judge


Associate Judge