

NO. 22940

IN THE SUPREME COURT OF THE STATE OF HAWAII

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DANIEL FRANCIS SHINN, Plaintiff-Appellant,

vs.

GARTH MORIMOTO, M.D., Defendant-Appellee,  
and JOHN DOES 1-5, JANE DOES 1-5,  
DOES PARTNERSHIP 1-5, DOES CORPORATION 1-5,  
DOES NON-PROFIT CORPORATION 1-5,  
DOES GOVERNMENT ENTERPRISES 1-5, Defendants.

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 96-2878)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we hold that the circuit court did not abuse its discretion in denying plaintiff-appellant Daniel F. Shinn's February 9, 1999 and February 19, 1999 motions for the following reasons:

(1) the motions are untimely under Hawai'i Rules of Civil Procedure Rules 60(b)(1) through 60(b)(3) (motions brought pursuant to subsections (1), (2), or (3) must be brought "not more than one year after the . . . order . . . was entered"); and

(2) even if we were to treat the motions as timely, they lack merit. Therefore,

IT IS HEREBY ORDERED that the November 2, 1999 order  
from which this appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, October 20, 2000.

On the briefs:

Daniel F. Shinn,  
plaintiff-appellant,  
appearing pro se

Edie A. Feldman,  
for defendant-appellee  
Garth Morimoto, M.D.

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No. 22940 Shinn v. Morimoto -- Summary Disposition Order