

NO. 23615

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

THE HONORABLE JAMES H. DANNENBERG,
Judge of the District Court of the First Circuit,
Petitioner-Appellee

vs.

WARREN J. DARICK, Respondent-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P. NO. 99-0468)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, and Acoba, JJ.
and Circuit Judge Kochi, assigned by reason of vacancy)

Respondent-appellant Warren J. Darick (Darick), pro se, appeals from the June 26, 2000 judgment of the circuit court of the first circuit, the Honorable Kevin S. C. Chang presiding, granting plaintiff-appellee the Honorable James H. Dannenberg's (Judge Dannenberg) petition for an order expunging Darick's nonconsensual common law lien. Darick argues that the circuit court erred in denying his demand for jury trial, or at the very least, erred by not setting forth findings of fact and conclusions of law in response to his demand for jury trial.

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, we hold that: (1) Darick was not entitled to a jury trial pursuant to the seventh amendment of the United States Constitution, as it is not applicable to the states in accordance with this court's opinion in Lii v. Sida of Hawai'i, Inc., 53 Haw. 353, 355, 493 P.2d 1032, 1033 (1972); (2) pursuant to article I, section 13 of the Hawai'i Constitution, Darick was not entitled to a jury trial, inasmuch

as the suit was one in equity; and (3) the circuit court did not fail to set forth sufficient findings of fact and conclusions of law regarding its denial of jury trial. Therefore,

IT IS HEREBY ORDERED that the order from which this appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, January 21, 2003.

On the briefs:

Warren J. Darick,
respondent-appellant
pro se

John P. Dellera,
Deputy Attorney General,
for petitioner-appellee