

NO. 24478

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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TERRI JO HAYWOOD, Plaintiff-Appellant,

vs.

FRED WILLIAM HAYWOOD, Defendant-Appellee.

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APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT  
(FC-D NO. 99-0591)

SUMMARY DISPOSITION ORDER

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

Plaintiff-appellant Terri Jo Haywood [hereinafter, Wife] appeals from the Family Court of the Second Circuit's<sup>1</sup> July 10, 2001 divorce decree and July 16, 2001 order granting attorneys' fees and costs. On appeal, Wife contends that the family court erred in granting defendant-appellee Fred William Haywood's [hereinafter, Husband] motion to enforce the settlement agreement and in entering the divorce decree because (1) Husband failed to timely file his asset and debt statement and (2) the family court should have allowed Wife time to obtain replacement counsel. Wife also challenges the family court's award of attorneys' fees and costs, but fails to present any point of error or argument regarding the July 16, 2001 order granting attorneys' fees and costs.

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<sup>1</sup> The Honorable Geronimo Valdriz, Jr. presided over the proceedings raised in the current appeal.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the issues raised and the arguments presented, we hold that: (1) Wife fails to demonstrate by reference to matters in the record that the family court erred in (a) granting the motion to enforce the settlement agreement and in entering the divorce decree or (b) not continuing the proceedings to allow Wife to obtain replacement counsel, see State v. Hoang, 93 Hawai'i 333, 334, 3 P.3d 499, 500 (2000); Bettencourt v. Bettencourt, 80 Hawai'i 225, 230, 909 P.2d 553, 558 (1995); and (2) Wife waived her challenge to the family court's award of attorneys' fees and costs by failing to raise the issue in the statement of points of error or the argument section of her opening brief. See Hawai'i Rules of Appellate Procedure Rule 28(b)(4) and (7) (2001).

Accordingly,

IT IS HEREBY ORDERED that the family court's July 10, 2001 divorce decree and July 16, 2001 order granting attorneys' fees and costs are affirmed.

DATED: Honolulu, Hawai'i, December 16, 2004.

On the briefs:

Charles H. Brower,  
for plaintiff-appellant  
(withdrew 04/23/02),  
replaced by Gary Victor  
Dubin, counsel of record  
for plaintiff-appellant

Peter Van Name Esser and  
Edward R. Lebb, for  
defendant-appellee