

NO. 22026

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

JUANITA A. MONTGOMERY, Plaintiff-Appellee

v.

HAROLD FREDERICK RICE, JR., aka Freddy Rice,
Defendant-Appellant

APPEAL FROM THE THIRD CIRCUIT COURT
(CIVIL NO. 97-265K)

SUMMARY DISPOSITION ORDER

(By: Burns, C.J., Watanabe, and Lim, JJ.)

The parties first agreed to a Mediation Agreement and then agreed to a Separation Agreement. This case arises out of their disagreement regarding the proper interpretation of the Separation Agreement. In the circuit court, the Plaintiff-Appellee's position was that the Defendant-Appellant owed her \$61,400. The Defendant-Appellant's position was that he paid the Plaintiff-Appellee all that he owed. The circuit court interpreted the Separation Agreement and decided that the Defendant-Appellant owed the Plaintiff-Appellee \$6,761.00 and also ordered the Defendant-Appellant to pay \$1,690.25 attorney fees and \$178.40 costs.

In accordance with Hawai'i Rules of Appellate Procedure Rule 35, and after carefully reviewing the record and the briefs

submitted by the parties, and duly considering and analyzing the law relevant to the arguments and issues raised by the parties,

IT IS HEREBY ORDERED that the judgment from which the appeal is taken, filed on October 19, 1998, is affirmed.

DATED: Honolulu, Hawai'i,

On the briefs:

Michael W. Gibson,
Paul B. Shimomoto, and
Keith M. Yonamine
(Ashford & Wriston)
for Defendant-Appellant.

E. F. Gianotti,
for Plaintiff-Appellee.

JAMES S. BURNS
Chief Judge

CORINNE K. A. WATANABE
Associate Judge

JOHN S. W. LIM
Associate Judge