

NO. 24212

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

JANE ROE, Plaintiff-Appellant, v.
DOCTOR NUI LOA PRICE, aka MAUI LOA PRICE, individually,
and as CO-SPECIAL ADMINISTRATOR OF THE ESTATE OF SAMUEL
HUBERT PRICE aka KAMUELA PRICE; KIA ARTRIP aka LUUKIA
LEIOLANI SANDRA MARIE ARTRIP and LEILEHUALANI K. KANE as
CO-SPECIAL ADMINISTRATORS OF THE ESTATE OF SAMUEL HUBERT PRICE
aka KAMUELA PRICE; CHURCH OF HAWAII NEI, Defendants-Appellees,
and
JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10,
DOE PARTNERSHIPS 1-10, DOE NON-PROFIT ENTITIES 1-10,
and DOE GOVERNMENTAL ENTITIES 1-10, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 99-4131)

SUMMARY DISPOSITION ORDER

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

Plaintiff-Appellant Jane Roe (Roe) appeals from the
(1) "Order Granting Defendant Doctor Nui Loa Price aka Maui Loa
Price's Motion for Summary Judgment" filed February 27, 2001;
(2) "Order Granting Motions for Summary Judgment in Favor of
Defendants Doctor Nui Loa Price, as Co-Special Administrator of
the Estate of Samuel Hubert Price, a.k.a. Kamuela Price,
Leilehualani Kane and The Church of Hawaii Nei" filed March 28,
2001; and (3) Judgment filed March 28, 2001, in the Circuit Court
of the First Circuit (the circuit court).¹

¹The Honorable Dan T. Kochi, presided.

Roe contends the circuit court erred when it (1) ruled that she was not insane under Hawaii Revised Statutes (HRS) § 657-13 when there were genuine issues of material fact as to whether Roe had been insane prior to filing her complaint in this case, and (2) granted Defendants' motions for summary judgment when there were genuine issues of material fact regarding equitable estoppel and fraudulent concealment.

Upon careful review of 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 resolve Roe's points of error as follows:

(1) Roe contends the circuit court erred in ruling that she was not insane under HRS § 657-13 when there was a genuine issue of material fact as to her past insanity. Roe did not establish in the circuit court a genuine issue of material fact that she may have been insane to invoke the tolling provision of HRS § 657-13. Buck v. Miles, 89 Haw. 244, 251-52, 971 P.2d 717, 724-25 (1999).

(2) Roe contends that the circuit court erred in granting Defendants' motions for summary judgment when there were genuine issues of material fact regarding estoppel and fraudulent concealment. Roe did not establish in the circuit court genuine issues of material fact that she was induced to refrain from filing this case because of Defendants' conduct, Del Rosario v.

Kohanuinui, 52 Haw. 583, 586, 483 P.2d 181, 183 (1971), or that Defendants acted affirmatively to conceal the causes of action Roe alleged in her complaint. Au v. Au, 63 Haw. 210, 215, 626 P.2d 173, 178 (1981).

Therefore,

IT IS HEREBY ORDERED that the "Order Granting Defendant Doctor Nui Loa Price aka Maui Loa Price's Motion for Summary Judgment" filed February 27, 2001; "Order Granting Motions for Summary Judgment in Favor of Defendants Doctor Nui Loa Price, as Co-Special Administrator of the Estate of Samuel Hubert Price, a.k.a. Kamuela Price, Leilehualani Kane and The Church of Hawai'i Nei" filed March 28, 2001; and Judgment filed March 28, 2001, in the circuit court are affirmed.

DATED: Honolulu, Hawai'i, July 12, 2002.

On the briefs:

Thomas D. Collins
for plaintiff-appellant.

Chief Judge

Walter R. Schoettle
for defendants-appellees
Doctor Nui Loa Price,
Leilehualani Kane, and
Church of Hawaii Nei.

Associate Judge

Ken T. Kuniyuki
for defendant-appellee
Kia Artrip.

Associate Judge