

NOT FOR PUBLICATION

NO. 25547

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

JAMES H. ANZAI, Plaintiff-Appellant, v.
HEIRS OR ASSIGNS OF KAMEHAMEHA I, et al.,
Defendants-Appellees

APPEAL FROM THE THIRD CIRCUIT COURT
(CIVIL NO. 00-1-59K)

SUMMARY DISPOSITION ORDER

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

Plaintiff-Appellant James H. Anzai (Anzai) appeals the Judgment filed on December 4, 2002 in the Circuit Court of the Third Circuit (circuit court).¹

On appeal, Anzai contends the circuit court erred by denying his November 12, 2002 "Motion to Amend the Court's Findings of Fact, Conclusions of Law, and Order Filed on November 1, 2002" (Motion to Amend). In its November 1, 2002 Findings of Fact, Conclusions of Law, and Order, the circuit court dismissed Anzai's complaint.

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 Anzai's point of error as follows:

¹ The Honorable Ronald Ibarra presided.

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In his Motion to Amend, Anzai asked the circuit court to make additional findings and amend the Judgment. The circuit court's November 1, 2002 Findings of Fact were not clearly erroneous because Anzai presented no new evidence or arguments in his Motion to Amend. Campbell v. Deponte, 57 Haw. 510, 513, 559 P.2d 739, 741 (1977).

Therefore,

IT IS HEREBY ORDERED that the Judgment filed on December 4, 2002, in the Circuit Court of the Third Circuit is affirmed.

DATED: Honolulu, Hawai'i, May 21, 2004.

On the briefs:

James H. Anzai
plaintiff-appellant pro se.

Sheryl L. Nicholson,
Robyn B. Chu
(Paul Johnson Park & Niles)
for defendant-appellee
The Office of Hawaiian Affairs.

Acting Chief Judge

Associate Judge

Associate Judge