

NO. 25723

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

NANCY MAKANUI, Plaintiff-Appellant, v.
TIMOTHY S. KITAGAWA, DEPARTMENT OF HUMAN SERVICES,
COUNTY OF HAWAII, STATE OF HAWAII, Defendant-Appellees

APPEAL FROM THE THIRD CIRCUIT COURT
(CIVIL NO. 01-1-93)

SUMMARY DISPOSITION ORDER

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

Plaintiff-Appellant Nancy Makanui (Makanui) appeals the Final Judgment filed in favor of Defendant-Appellee Timothy S. Kitagawa (Kitagawa), in his individual capacity, on March 20, 2003 in the Circuit Court of the Third Circuit (circuit court).¹

On appeal, Makanui contends the circuit court erred by granting Kitagawa's Motion for Summary Judgment and denying Makanui's motion to amend her complaint and/or join parties.

This court reviews de novo the circuit court's judgment granting summary judgment. Ass'n of Apartment Owners of Wailea Elua v. Wailea Resort Co., Ltd., 100 Hawai'i 97, 105, 58 P.3d 608, 616 (2002). Makanui has failed to meet her burden in demonstrating that a question of material fact exists and that Kitagawa is not entitled to a judgment as a matter of law.

¹ The Honorable Greg K. Nakamura presided.

Foronda v. Hawai'i Int'l Boxing Club, 96 Hawai'i 51, 58, 25 P.3d 826, 833 (App. 2001).

The circuit court did not abuse its discretion in denying Makanui's motion to amend her complaint. Amfac, Inc. v. Waikiki Beachcomber Inv. Co., 74 Haw. 85, 114, 839 P.2d 10, 26 (1992). The circuit court did not err in holding the parties Makanui moved to join were not indispensable parties. Int'l Sav. & Loan Ass'n, Ltd. v. Carbonel, 93 Hawai'i 464, 470, 5 P.3d 454, 460 (App. 2000).

Therefore,

IT IS HEREBY ORDERED that the Final Judgment filed on March 20, 2003, in the Circuit Court of the Third Circuit is affirmed.

DATED: Honolulu, Hawai'i, January 18, 2005.

On the briefs:

Nancy Makanui,
plaintiff-appellant pro se.

Mark J. Bennett,
Heidi M. Rian,
Wendy J. Utsumi,
Deputy Attorneys General,
for defendant-appellee
Timothy S. Kitagawa, in
his individual capacity.

Acting Chief Judge

Associate Judge

Associate Judge