

NOT FOR PUBLICATION

NO. 25788

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

KA'U AGRIBUSINESS CO., INC., Plaintiff-Appellee, v.
JOSEPHINE HELELANI RABAGO, Defendant-Appellant,
and Heirs or assigns of KELIIWAAOLE (k),
et al., Defendants-Appellees

APPEAL FROM THE THIRD CIRCUIT COURT
(CIVIL NO. 02-1-0284)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Josephine Helelani Rabago (Rabago) appeals the Final Judgment filed on April 8, 2003 in the Circuit Court of the Third Circuit (circuit court).¹

On appeal, Rabago contends the circuit court erred by granting Plaintiff-Appellee Ka'u Agribusiness Co., Inc.'s (Ka'u Agribusiness) Summary Judgment Motion and denying her "Motion to Set Aside Plaintiff Summary Judgment."

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 hold that the circuit court did not err by granting Ka'u Agribusiness's Summary Judgment Motion and denying Rabago's "Motion to Set Aside Plaintiff Summary Judgment" because Rabago did not present evidence that created a genuine issue of material

¹ The Honorable Riki May Amano presided.

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fact. Fujimoto v. Au, 95 Hawai'i 116, 136-37, 19 P.3d 699, 719-20 (2001).

Therefore,

IT IS HEREBY ORDERED that the Final Judgment filed on April 8, 2003 in the Circuit Court of the Third Circuit is affirmed.

DATED: Honolulu, Hawai'i, May 26, 2004.

On the briefs:

Josephine Helelani Rabago,
defendant-appellant pro se.

Donald E. Sceare
(Cades Schutte Fleming & Wright)
for plaintiff-appellee.

Acting Chief Judge

Associate Judge

Associate Judge