

**NOT FOR PUBLICATION**

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NO. 25822

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

CITY AND COUNTY OF HONOLULU, a municipal corporation,  
Plaintiff-Appellee, v. ATTRACTIONS HAWAII, et al.,  
Defendants-Appellees, and JOHN DOES 301-350, et al.,  
Defendants, and JOSEPHINE H. RABAGO, et al., (Denied)  
Intervening Defendants-Appellants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(Civ. No. 01-1-3622-12)

SUMMARY DISPOSITION ORDER

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

This appeal stems from an eminent domain action filed on December 21, 2001 by the City and County of Honolulu against numerous defendants, seeking to condemn the fee simple interest in various parcels of land in Waimea Valley, O'ahu, upon which Waimea Falls Park operates.

On March 17, 2003, Josephine H. Rabago (Rabago), *pro se*, filed a "Motion to Intervention" in the action. Attached to her motion were: (1) a declaration, in which Rabago appears to claim that she owns an interest in the land being condemned because she is an heir to Kilinahe Puahi, also known as Puahi Kilinahe (Puahi), who died on March 9, 1910; (2) a "Decree Determining and Declaring Heirs," apparently filed in the Circuit Court of the First Circuit (the circuit court) on March 21, 1990 in a special proceeding to determine and declare the heirs of Puahi, "an established heir of Charles Kanaina, as determined in

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the Estate of Charles Kanaina, P. No. 2426, Supreme Court of Hawaii, and in the Estate of Kilinahe, Probate No. 2124, Supreme Court of Hawaii"; and (3) a genealogy chart of Puahi's heirs. Rabago did not explain why the materials attached to her motion established her right to intervene in the action.

In a subsequent memorandum filed on April 7, 2003, Rabago claimed that she and her

family were declared Heirs by blood to the Royal family by the Court on March 21, 1990, Heirs to [Puahi] brother of Charles Kanaina, cousins to Kamehameha I, II, III, IV, V, Bernice Puahi, Victoria Kamamalu, Ruth Ke'elikolani, David Kalakaua, Victoria Kaiulani, Miriam Likelike, Matiaio Kekuanao'a, Queen Emm [sic], and sister Kalama as to the genealogy of Kilinahe makes the Family Defendant [Rabago] cousins to the mentioned names herein Royal blood as the family in their will claim and to my Heirs.

(Upper case formatting omitted.) However, Rabago did not explain or provide any documentation of the Royal family's interest in the lands in question. Rabago also did not indicate the member of the Royal family through whom she claimed an interest in the lands.

By an order filed on June 20, 2003 and signed by Judge Gary W.B. Chang, the circuit court denied Rabago's "Motion to Intervention." This appeal followed.

Rabago claims that the circuit court improperly denied her "Motion to Intervention." Based on our review of the record, particularly the materials and exhibits submitted by Rabago, we conclude that the circuit court did not err in denying Rabago's "Motion to Intervention."

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Accordingly, we affirm the June 20, 2003 order entered by the circuit court that denied Rabago's "Motion to Intervention."

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

On the briefs:

Josephine H. Rabago, (denied)  
intervening defendant-appellant,  
*pro se*.

C. Michael Heihre, Dennis W.  
Chong Kee, Elijah Yip, and  
Allison M. Mizuo (Cades  
Schutte, a limited liability  
law partnership) for  
defendant-appellee Attractions  
Hawaii.