

NOT FOR PUBLICATION

NO. 25990

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

TINA A. MOHR, Plaintiff-Appellant, v.  
 JAMES DOUGLAS KEAUCOU ING, ROBERT KALANI UICHI KIHUNE, CONSTANCE  
 HEE LAU, DIANE JOYCE PLOTTS and CHARLES NAINOA THOMPSON, in their  
 capacities as Trustees under the Will and of the Estate of  
 Bernice Pauahi Bishop, deceased, a Hawaii charitable trust;  
 PAUahi MANAGEMENT CORPORATION, a Hawaii corporation dba ROYAL  
 HAWAIIAN SHOPPING CENTER, Defendants-Appellees  
 and  
 DOE DEFENDANTS 1-25, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT

(CIV. NO. 01-1-1877)

SUMMARY DISPOSITION ORDER

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

Plaintiff Tina A. Mohr (Mohr) appeals the June 23, 2003  
 judgment that the Circuit Court of the First Circuit (circuit  
 court)<sup>1</sup> entered in favor of Defendants James Douglas Keauhou Ing,  
 Robert Kalani Uichi Kihune, Constance Hee Lau, Diane Joyce Plotts  
 and Charles Nainoa Thompson, in their capacity as Trustees under  
 the Will and of the Estate of Bernice Pauahi Bishop, Deceased, a  
 Hawaii Charitable Educational Trust; and Pauahi Management  
 Corporation (collectively, Defendants).

After a painstaking review of the record and the briefs  
 submitted by the parties, and giving careful consideration to the  
 arguments advanced and the issues raised by the parties, we hold  
 that the circuit court did not abuse its discretion in entering  
 (1) the June 23, 2003 order granting the oral motion to dismiss

---

<sup>1</sup> The Honorable Eden Elizabeth Hifo presided.

KHAMKHAM  
 CLERK  
 STATE COURTS

2005 DEC 29 AM 9:19

FILED

NOT FOR PUBLICATION

with prejudice brought by Defendants pursuant to Hawai'i Rules of Civil Procedure (HRCPP) Rule 41(b) (2003), Webb v. Harvey, 103 Hawai'i 63, 66-68, 79 P.3d 681, 684-86 (App. 2003); (2) the June 13, 2003 order denying the HRCPP Rule 60(b) (2) (2003) motion Mohr filed on May 27, 2003 for reconsideration of the May 8, 2003 order denying her April 28, 2003 motion to continue trial date and discovery period, HRCPP Rule 60(b) ("the court may relieve a party . . . from a final judgment, order, or proceeding" (emphasis supplied)); Matsumoto v. Asamura, 5 Haw. App. 628, 630-31, 706 P.2d 1311, 1312-13 (1985); and (3) the May 8, 2003 order denying Mohr's April 28, 2003 motion to continue trial date and discovery period, Sapp v. Wong, 62 Haw. 34, 41, 609 P.2d 137, 142 (1980).

Therefore,

IT IS HEREBY ORDERED that the June 23, 2003 judgment of the circuit court is affirmed.

DATED: Honolulu, Hawai'i, December 29, 2005.

On the briefs:

Gary Victor Dubin  
for Plaintiff-Appellant

Jennifer M. Yusi  
for Defendants-Appellees

  
Acting Chief Judge

  
Associate Judge

  
Associate Judge