

NOT FOR PUBLICATION

NO. 26422

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

JOHN DOE, Plaintiff-Appellee, v.
JANE DOE, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-D NO. 95-2875)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Jane Doe (Mother) appeals from the Decision and Order entered on February 9, 2004 by Judge Bode A. Uale. The relevant facts leading to this decision and order are as follows:

The daughter (Daughter) of Mother and Plaintiff-Appellee John Doe (Father) was born on June 19, 1992. The decree divorcing Mother and Father was entered on July 24, 1996. On March 11, 2003, the family court entered a stipulated order (March 11, 2003 Stipulated Order). In a December 23, 2004 Memorandum Opinion in appeal no. 25760, the Hawai'i Supreme Court affirmed the March 11, 2003 Stipulated Order, but with two exceptions that are not relevant in this appeal.

On October 31, 2003, Father filed a Motion and Affidavit for Post-Decree Relief alleging "five separate violations of the March 11, 2003, Stipulated Order, and asking for sanctions, contempt, jail and attorney's fees." A hearing on the motion was held on February 4, 2004. No one testified. Judge Uale proceeded on the basis of affidavits by the parties

EUGENE L. SABADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2005 SEP 30 AM 7:54

FILED

NOT FOR PUBLICATION

and offers of proof by their attorneys. After the hearing, Judge Uale entered an Order Re: Plaintiff's Motion and Affidavit for Post-Decree Relief Filed October 31, 2003 deciding many of the issues. On February 9, 2004, Judge Uale entered a Decision and Order deciding, among the remaining issues, that Mother's functioning as the "classroom mom" for Daughter's class at school was a violation of the March 11, 2003 Stipulated Order and ordering her to relinquish that position.

On March 1, 2004, Mother appealed from the February 9, 2004 Decision and Order.

On March 5, 2004, Mother notified the court of her resignation as "classroom mom" effective March 27, 2004, in compliance with the court's February 9, 2004 Decision and Order.

On March 9, 2004, Judge Uale entered an order awarding Father attorney fees, but stayed the order pending Mother's appeal.

On April 12, 2004, Judge Uale entered Findings of Fact and Conclusions of Law.

In accordance with Hawai'i Rules of Appellate Procedure Rule 35, and after carefully reviewing the record and the briefs submitted by the parties, and duly considering and analyzing the law relevant to the arguments and issues raised by the parties, we hold as follows:

1. The Hawai'i Supreme Court's Memorandum Opinion filed on December 23, 2004, in appeal no. 25760, affirmed the validity of the March 11, 2003 Stipulated Order.

NOT FOR PUBLICATION

2. The family court was right when it concluded that the March 11, 2003 Stipulated Order prohibits Mother from being a "classroom mom."¹

Therefore,

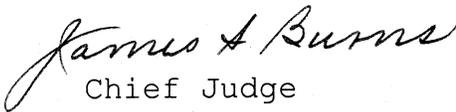
IT IS HEREBY ORDERED that the family court's Decision and Order entered on February 9, 2004 is affirmed.

DATED: Honolulu, Hawai'i, September 30, 2005.

On the briefs:

Peter Van Name Esser
for Defendant-Appellant

Charles T. Kleintop and
Robert T. Nakatsuji
(Stirling & Kleintop)
for Plaintiff-Appellee


Chief Judge


Associate Judge


Associate Judge

¹ If, when the March 11, 2003 Stipulated Order was entered, Defendant-Appellant Jane Doe knew that she was then, and had been her daughter's "classroom mom" since 1997, and wanted to be permitted to continue in that capacity, she should have made certain that the March 11, 2003 Stipulated Order expressly authorized that.