

NOT FOR PUBLICATION

EMERSON RIMANDO
CLERK APPELLATE COURTS
STATE OF HAWAII

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NO. 26119

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

EDMUND C. OLSON, Trustee of the Edmund C. Olson Trust No. 2,
as set forth in unrecorded Declaration of Trust dated
August 21, 1985, as amended, Substituted
Plaintiff-Appellee, v. PUHALAUOO, heirs or assigns, and
ALL WHOM IT MAY CONCERN, Defendants, and JOSEPHINE H.
RABAGO, Appellant

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(Civ. No. 03-1-0069)

SUMMARY DISPOSITION ORDER

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

In this action to quiet title to property in South
Hilo, Hawai'i, Appellant Josephine H. Rabago (Rabago), appearing
pro se, appeals from the Final Judgment entered by the Circuit
Court of the Third Circuit^{1/} (the circuit court) on September 24,
2003, in favor of Substituted Plaintiff-Appellee Edmund C. Olson,
Trustee of the Edmund C. Olson Trust No. 2, as set forth in
unrecorded Declaration of Trust dated August 21, 1985, as amended
(Plaintiff).

Rabago raises two contentions on appeal. First, she
asserts that the circuit court erroneously entered the "Findings
of Fact and Conclusions of Law, and Order Granting Plaintiff's
Motion for [Hawai'i Rules of Civil Procedure] Rule 11 Sanctions

^{1/} The Honorable Greg K. Nakamura presided.

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Against [Rabago]" (Rule 11 Order) on September 15, 2003. The Rule 11 Order: (1) enjoined Rabago "from filing any documents in any quiet title action in the Third Circuit Court, State of Hawaii, unless she is represented by counsel or she has obtained prior leave of the presiding judge to file an answer or other document indicating an intention to appear pro se in an action"; and (2) directed the "Chief Administrator of the Third Circuit Court, State of Hawaii, . . . not to accept any documents from [Rabago] for filing in any quiet title action in the Third Circuit, State of Hawaii," unless either of the foregoing conditions was satisfied.

Rabago also asserts that the circuit court erred in entering on September 29, 2003 its "Order Denying Motion to Reconsider Plaintiff [sic] Motion to Sanctions [sic] [Rabago] Filed July 29, 2003" (Order Denying Rabago's Motion for Reconsideration).

Upon carefully reviewing the record and briefs submitted by the parties and having duly considered the statutes, case law, and rules of evidence relevant to the arguments advanced by the parties, we conclude that the circuit court did not abuse its discretion in entering the Rule 11 Order or the Order Denying Rabago's Motion for Reconsideration.

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Accordingly, we affirm both orders and the Final Judgment.

DATED: Honolulu, Hawai'i, March 6, 2006.

Josephine H. Rabago,
appellant, *pro se*, on the
brief.

Paul Alston and Lea Hong,
of Alston Hunt Floyd & Ing
(Donald E. Scarce, of Cades
Schutte, on the brief) for
substituted plaintiff-appellee.

Corinne K A Wataahe



Alissa M. Fijina