

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS OR THE PACIFIC REPORTER

NO. 27544

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

K.I.M., Petitioner-Appellant, v.
M.D.K., Respondent-Appellee¹

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-P NO. 99-1051)

SUMMARY DISPOSITION ORDER

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

This is a paternity case. The Consent Judgment entered in this case on October 20, 1999, was followed by a marriage, a divorce in another state, and a Hawai'i Family Court-Miscellaneous (FC-M) case to enforce the other state's divorce decree. Petitioner-Appellant K.I.M. was the defendant in the FC-M case. K.I.M.'s appeal from the family court's orders in the Hawai'i FC-M case was denied. The subsequent actions taken by K.I.M. resulted in a March 17, 2004 "Order Granting Motion to Declare [K.I.M.] a Vexatious Litigant".

In 2005, the following relevant actions occurred in this paternity case. On September 12, 2005, Judge Darryl Y.C. Choy entered an "Order Denying Filing of (1) Motion for Relief After Order or Decree (2) Request Leave to File Pursuant to

¹ Initially, this case named two respondents, however, pursuant to the October 20, 1999 Consent Judgment, one person was dismissed as a party and their name was deleted from the caption of the case.

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§ [634J-7](b) (3) HUPA², Motion and Memorandum Pursuant to PKPA³, UIFSA⁴ Ex 1-3 (4) Memorandum in Support" (September 12, 2005 Order). On October 3, 2005, Judge Choy entered an "Order Permitting Filing of 1) Request Leave to File Pursuant to §[634J-7(b) 2) Motion for Reconsideration and 3) Ex Parte Motion to Proceed in Forma Pauperis". On October 12, 2005, K.I.M. filed a notice of appeal from the September 12, 2005 Order. On November 3, 2005, Judge Choy entered an "Order Granting Filing of (1) Request Leave to File Pursuant to § [634J-7] (2) [K.I.M.'s] Reply to [Respondent-Appellee M.D.K.'s] Memorandum in Opposition to Motion for Reconsideration Ex 1-4". On November 9, 2005, Judge Choy entered an "Order Denying [K.I.M.'s] Motion for Reconsideration Filed October 5, 2005". This case was assigned to this court on May 9, 2006.

Clearly, K.I.M. is asking the family court to revisit its final and affirmed-on-appeal orders entered in the Hawai'i FC-M case. The only possible authority she has to do this with is Hawai'i Family Court Rule 60(b) (Supp. 2006), subsections (4), (5), and/or (6). Having not alleged a viable claim pursuant to any of those subsections, she was unsuccessful in the family court and now is unsuccessful in this court.

² Hawaii Uniform Parentage Act

³ Parental Kidnaping Prevention Act

⁴ Uniform Interstate Family Support Act

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Therefore, in accordance with Hawai'i Rules of Appellate Procedure Rule 35, IT IS HEREBY ORDERED that the following are affirmed:

(1) The September 12, 2005 "Order Denying Filing of (1) Motion for Relief After Order or Decree (2) Request Leave to File Pursuant to § [634J-7](b) (3) HUPA, Motion and Memorandum Pursuant to PKPA, UIFSA Ex 1-3 (4) Memorandum in Support";

(2) The October 3, 2005 "Order Permitting Filing of 1) Request Leave to File Pursuant to §[634J-7(b) 2) Motion for Reconsideration and 3) Ex Parte Motion to Proceed in Forma Pauperis"; and

(3) The November 9, 2005 "Order Denying [K.I.M.'s] Motion for Reconsideration Filed October 5, 2005".

DATED: Honolulu, Hawai'i, July 24, 2006.

On the briefs:

K.I.M.
Petitioner-Appellant Pro Se.


Chief Judge

Robert M. Harris and
Edward R. Lebb
for Respondent-Appellee.


Associate Judge


Associate Judge