

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 26900

IN THE INTERMEDIATE COURT OF APPEALS
 OF THE STATE OF HAWAII

DAVID KERSH, Plaintiff-Appellant, v.
 LIFE TIME FITNESS, INC., Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
 (CIVIL NO. 03-1-2364)

SUMMARY DISPOSITION ORDER

(By: Lim, Presiding Judge, Foley and Nakamura, JJ.)

David Kersh appeals the August 3, 2004 final judgment that the Circuit Court of the First Circuit (circuit court) entered against him and in favor of Life Time Fitness, Inc. (Defendant). The final judgment was predicated upon the circuit court's June 28, 2004 order granting Defendant's motion to dismiss.¹

NORMA T. YARA
 CLERK, APPELLATE COURTS
 STATE OF HAWAII

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FILED

¹ The record indicates that the Honorable Dexter D. Del Rosario heard the motion to dismiss, but that the Honorable Bert I. Ayabe signed the order granting the motion and entered the final judgment.

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After a meticulous 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 affirm the circuit court's August 3, 2004 final judgment.

DATED: Honolulu, Hawai'i, January 30, 2007.

On the briefs:

David Kersh,
Plaintiff-Appellant,
pro se.

J. Thomas Weber and
Steven L. Goto,
(Ayabe, Chong, Nishimoto,
Sia & Nakamura)
for Defendant-Appellee.



Presiding Judge



Associate Judge



Associate Judge