

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 26992

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

SRI INTERNATIONAL, a California Corporation, Plaintiff Appellant,
v.
RANDAL C. GALIJAN, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 02-1-3028)

SUMMARY DISPOSITION ORDER

(By: Recktenwald, C.J., Foley and Fujise, JJ.)

In this collection action, Appellant Randal C. Galijan (Galijan) appeals from the November 8, 2004 Final Judgment of the Circuit Court of the First Circuit (circuit court)¹ ordering Galijan to reimburse his former employer, SRI International (SRI).

Galijan's opening brief is in wholesale nonconformity with Hawai'i Rules of Appellate Procedure (HRAP) Rule 28 governing briefs and provides no authority for his contentions. This alone would be sufficient to reject his appeal. See Bettencourt v. Bettencourt, 80 Hawai'i 225, 228, 909 P.2d 553, 556 (1995). Nonetheless, inasmuch as the Hawai'i appellate courts have "consistently adhered to the policy of affording litigants the opportunity to have their cases heard on the merits, where possible[,]" id. at 230, 909 P.2d at 558 (citation and internal quotations omitted), we address Galijan's appeal on

¹ The Honorable Gary W.B. Chang presided.

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

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the merits of his arguments, as we discern them to be.

Galijan disputes the circuit court's determination that the relationship Galijan had with Helen Miller (Miller) and Herb Tanton (Tanton) constituted a partnership. However, Galijan's agreement with Tanton and Miller to contribute towards and share in the profits and losses of the tournament was sufficient to establish a partnership among the three. Hawaii Revised Statutes (HRS) § 425-109(a) (2004) ("the association of two or more persons to carry on as co-owners a business for profit forms a partnership, whether or not the persons intend to form a partnership").

Galijan also contests the circuit court's determination that he had obligated himself to pay for the disputed personal charges on the SRI business charge card because, he maintains, he was only obligated to pay "valid charges, not fraudulent charges." If by this Galijan means that the contested charges were fraudulent because they were not personally made or expressly authorized by him, his position is untenable. Partners are agents for the partnership and bind the partnership for acts conducted in the ordinary course of the partnership without the need for express authority to act. See HRS § 425-112(1) (2004). The circuit court awarded only those charges it found were incurred in furtherance of the partnership business. The record supports the circuit court's finding.

Galijan's other contentions, that he did dispute the

charges to American Express and that he contributed the \$56,000 in purse money only because he was "forced" to, even if taken as true, do not undermine the circuit court's decision.

Therefore,

IT IS HEREBY ORDERED that the November 8, 2004 Final Judgment of the Circuit Court of the First Circuit is affirmed.

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

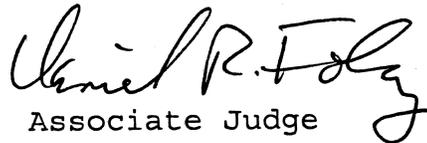
On the briefs:

Randal C. Galijan,
Defendant-Appellant,
pro se.

Nicholas C. Dreher,
Kristin S. Shigemura, and
T. Paul Sasaki
(Cades Schutte),
for Plaintiff-Appellee.



Chief Judge



Associate Judge



Associate Judge