

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28037

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

RICHARD G. GODBEHERE, Plaintiff-Appellee, v
ALLISON LEISTEN, Defendant-Appellant

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

2009 FEB - 7 AM 8:02

FILED

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT,
LIHUE DIVISION
(CIVIL NO. RC-05-1-0265)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Presiding Judge, Foley and Fujise, JJ.)

Defendant-Appellant Allison Leisten (Leisten), pro se, appeals from the Judgment filed on June 6, 2006 in the District Court of the Fifth Circuit, Lihue Division (district court).^{1/} The district court entered judgment in favor of Plaintiff-Appellee Richard G. Godbehere, Sr. (Godbehere) and against Leisten, awarding Godbehere money damages in the amount of \$8,591.12, attorney's fees in the amount of \$2,147.75, and costs in the amount of \$120. The money damages represented payment Leisten owed Godbehere for construction work Godbehere had performed for her.

On appeal, Leisten argues that the district court lacked jurisdiction and abused its discretion by awarding Godbehere attorney's fees, where the court permitted litigation rather than ordering Godbehere to participate in voluntary county mediation services.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, as

^{1/} The Honorable Trudy K. Senda presided.

well as the relevant statutory and case law, we resolve Leisten's point of error as follows:

The district court had jurisdiction in this case. Hawaii Revised Statutes (HRS) § 604-5 (Supp. 2007). The district court did not abuse its discretion by awarding Godbehere his attorney's fees. There is no evidence in the record on appeal that Leisten ever moved the district court to compel mediation. Further, Leisten offers, and we can find, no authority for the notion that the district court was required to order Godbehere to participate in mediation.

Therefore,

The Judgment filed on June 6, 2006 in the District Court of the Fifth Circuit, Lihue Division, is affirmed.

DATED: Honolulu, Hawai'i, February 7, 2008.

On the briefs:

Allison Leisten
Defendant-Appellant pro se.

Gregory H. Meyers
Daniel G. Hempey
(Hempey Norelli & Meyers LLP)
for Plaintiff-Appellee.

Corinne K A Watanabe
Presiding Judge

Daniel R. Foley
Associate Judge

Ausa Du Fijim
Associate Judge