

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 28695

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

DANIEL DEPARINI, Plaintiff-Appellant,
v.
STATE OF HAWAII, et al., Defendants-Appellees

FILED
2009 JUL 11 AM 9:40
NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 04-1-0214)

SUMMARY DISPOSITION ORDER

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

Plaintiff-Appellant Daniel Deparini (Deparini), pro se, appeals from the Final Judgment (Final Judgment) filed on July 17, 2007 in the Circuit Court of the Third Circuit (circuit court).¹

Deparini's Opening Brief fails to raise and argue identifiable points of error on appeal. Hawaii Rules of Appellate Procedure Rule 28(b)(4) and (7) provides that points of error not raised nor argued may be disregarded. However, after a review of the record and the briefs submitted by the parties, as well as the relevant statutory and case law, it is clear that the circuit court did not err in dismissing Deparini's case. The circuit court entered three separate orders holding that Deparini's various claims in the Amended Complaint were time barred, barred by judicial and sovereign immunity, or failed to state a claim upon which relief could be granted. The circuit court made appropriate findings of fact and conclusions of law, none of which are properly challenged on appeal.

Therefore,

¹ The Honorable Ronald Ibarra presided.

The Final Judgment filed on July 17, 2007 in the Circuit Court of the Third Circuit is affirmed.

DATED: Honolulu, Hawai'i, July 11, 2008.

On the briefs:

Daniel Deparini,
Plaintiff-Appellant pro se.

Russell A. Suzuki and
Robyn B. Chun,
Deputy Attorneys General,
for Defendants-Appellees
Honorable Barbara T. Takase
and the State of Hawaii.

Joseph K. Kamelamela and
Katherine A. Garson,
Deputies Corporation Counsel,
County of Hawai'i,
for Defendants-Appellees
Lawrence K. Mahuna, John
Doe Police Sergeant of Beat 835,
Stanley K. Kaina, John L. Briski,
Kea'au Police Station, and
Corporation Counsel, Deputy Attorney
for the County Police Officers.


Presiding Judge


Associate Judge


Associate Judge