

NOT FOR PUBLICATION

NO. 25583

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

JOHN DOE, Plaintiff-Appellee, v.
JANE DOE, Defendant-Appellant

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2005 APR - 1 AM 10:04

FILED

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-D NO. 01-1-3067)

SUMMARY DISPOSITION ORDER

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

Wife appeals the December 24, 2002 divorce decree of the family court of the first circuit.¹ Upon a sedulous 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 resolve Wife's points of error as follows:

1. The family court was not wrong as a matter of law, and did not abuse its discretion, in granting Husband's February 15, 2002 motion to strike witnesses and documents (the motion to strike).² And even assuming *arguendo* that the family court erred, the error was innocuous, because nowhere in the record is there an offer of proof as to what Wife's putative expert witnesses would have rendered by way of report or

¹ The Honorable Bode A. Uale presided over the divorce trial.

² The Honorable Darryl Y.C. Choy presided over the pretrial proceedings at issue in this appeal.

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testimony. To this day, all Wife can offer in this regard is that her expert witnesses "presumably would testify in favor of a decision to award custody of the minor child to her[.]" Opening Brief at 12.

2. The family court did not err in allowing the minor child's guardian ad litem -- appointed by the family court, pursuant to a stipulation of the parties, to testify and submit a report -- to testify and submit a report subject to cross-examination. Sabol v. Sabol, 2 Haw. App. 24, 29, 624 P.2d 1378, 1382 (1981).

3. There is nothing in the record that indicates the family court relied on unpublished family court memoranda and the hearsay statements of a judge on family court policies and procedures, in granting the motion to strike.

Therefore,

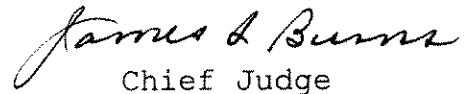
IT IS HEREBY ORDERED that the family court's December 24, 2002 divorce decree is affirmed.

DATED: Honolulu, Hawai'i, April 1, 2005.

On the briefs:

Paul A. Lynch
(Lynch Ichida Thompson Kim & Hirota),
for defendant-appellant.

Chunmay Chang,
for plaintiff-appellee.


Chief Judge


Associate Judge


Associate Judge