

## NOT FOR PUBLICATION

NO. 26653

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

TONY V. HONG, Plaintiff-Appellant,  
v.  
RHOBBIE SANTIAGO, Defendant-Appellee,  
and JOHN DOES 1-10, DOE CORPORATIONS 1-10,  
and DOE PARTNERSHIPS 1-10, Defendants

APPEAL FROM CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIV. NO. 02-1-2776)

SUMMARY DISPOSITION ORDER

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

Tony Van Hong (Plaintiff) appeals the June 2, 2004

judgment that the Circuit Court of the First Circuit (circuit court)<sup>1</sup> entered in favor of Defendant Rhobbie Santiago.

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 resolve Plaintiff's points of error on appeal as follows:

1. In entering its May 27, 2004 order granting Defendant's April 7, 2004 motion for summary judgment, the circuit court was right, Hawaii Community Fed. Credit Union v. Keka, 94 Hawai'i 213, 221, 11 P.3d 1, 9 (2000), because there was no genuine issue of material fact that Plaintiff's negligence was the proximate cause of the accident. Tsugawa v. Reinartz, 56 Haw. 67, 71, 527 P.2d 1278, 1282 (1974); Pancakes of Hawaii, Inc. v. Pomare Properties Corp., 85 Hawai'i 286, 291,

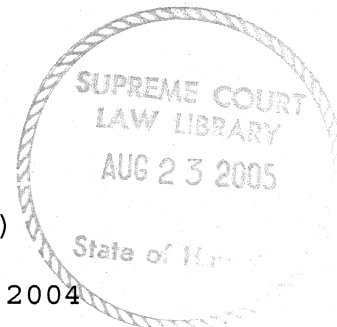
<sup>1</sup>

The Honorable Eden Elizabeth Hifo presided.

NORMA T. YARA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2005 AUG 23 AM 10:37

FILED



**NOT FOR PUBLICATION**

---

944 P.2d 83, 88 (App. 1997); Hawai'i Rules of Civil Procedure (HRCP) Rule 56(c) (2004).

2. The circuit court did not abuse its discretion in entering its May 10, 2004 order denying Plaintiff's April 13, 2004 motion to file a first amended complaint. Fed. Home Loan Mortgage Corp. v. Transamerica Ins. Co., 89 Hawai'i 157, 162, 969 P.2d 1275, 1280 (1998); HRCP Rule 15(a) (2004).

Therefore,

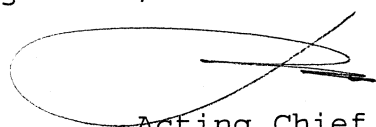
IT IS HEREBY ORDERED that the June 2, 2004 judgment of the circuit court is affirmed.

DATED: Honolulu, Hawaii, August 23, 2005.

On the briefs:

Ronald G.S. Au and  
Ryan G.S. Au,  
for Plaintiff-Appellant.

Stephen K. Roy,  
Michael F. McCarthy and  
Amy B. Hudson,  
for Defendant-Appellee.

  
Acting Chief Judge

  
Associate Judge

  
Associate Judge