

NOT FOR PUBLICATION

NO. 26451

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

LONNIE WILLIAMS,
Plaintiff/Counterclaim Defendant/Appellant,
v.
MOLOKAI RANCH, LIMITED, a Hawai'i corporation,
Defendant/Counterclaimant/Appellee,
and
JOHN DOES 1-10, JANE DOES 1-10,
DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10,
DOE NON-PROFIT ENTITIES 1-10, and
DOE GOVERNMENTAL ENTITIES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(Civ. No. 01-1-0210(2))

SUMMARY DISPOSITION ORDER

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

On April 24, 2001, Plaintiff/Counterclaim Defendant/
Appellant Lonnie Williams (Williams) filed a complaint against
Defendant/Counterclaimant/Appellee Molokai Ranch, Limited (MRL),
alleging that MRL had breached an agreement with Williams by
leasing to Williams 40 acres of land that was contaminated with
heptachlor and unfit for commercial farming, breached an
agreement to provide Williams with 160 acres of land rent-free,
and carelessly and negligently leased contaminated land to
Williams. MRL filed a counterclaim, seeking damages for unpaid
lease rent, utility costs, and other expenses.

EUGENE L. SABADO
CLERK OF THE INTERMEDIATE COURTS
STATE OF HAWAII

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FILED

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On November 28, 2003, MRL filed a motion for summary judgment on Williams' complaint and MRL's counterclaim. Williams did not file any opposition to MRL's motion. At the January 24, 2004 hearing on MRL's motion, Williams orally moved to continue the hearing so he could get a new attorney^{1/} to represent him. The circuit court denied Williams' motion.

On April 27, 2004, the circuit court, Judge Shackley Raffetto presiding, filed a written order granting MRL's motion for summary judgment. The circuit court also entered a final judgment in favor of MRL on the complaint and counterclaim. This appeal followed.

Williams claims that he was not aware that he should have filed an opposition to MRL's motion for summary judgment, and, therefore, this court should "find in his favor on the issues presented," reverse the grant of summary judgment to MRL, and remand the case for further proceedings, including a determination of damages owed to him by MRL for breach of contract.

^{1/} The complaint underlying this appeal was filed for Plaintiff/Counterclaim Defendant/Appellant Lonnie Williams (Williams) by the Law Offices of Ian Mattoch (Mattoch). On September 10, 2003, Mattoch moved to withdraw as counsel for Williams. Williams did not appear at the hearing on Mattoch's motion, which the circuit court granted pursuant to a written order filed on October 21, 2003.

NOT FOR PUBLICATION

Based on our review of the record and the applicable statutes and case law, we decline to do so. Accordingly, we affirm the judgment.

DATED: Honolulu, Hawai'i, September 26, 2005.

On the briefs:

Lonnie Williams, plaintiff/
counterclaim defendant/
appellant, pro se.

Wayne M. Sakai and Michiro
Iwanaga (Sakai & Iwanaga Law
Group, AAL, LLC, of counsel)
for defendant/counterclaimant
appellee.

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