

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 26566

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

DIPLOMAT TOURS AND TRAVEL, INC., Plaintiff-Appellee, v.
TRINIDAD M. SANGA AND DELIA ENCARNACION ALUPAY doing business as
PHIL USA TRAVEL & SERVICES, Defendants-Appellants

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
Ewa Division
(Civ. No. 1RC03-1-3441)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Trinidad Sanga (Sanga) appeals from the final judgment entered in her case on April 5, 2004, in the District Court of the First Circuit (district court).¹ Final judgment was entered following a trial held on July 25, 2003, in favor of Plaintiff-Appellee Diplomat Tours and Travel, Inc. After a careful review of the issues raised, arguments advanced, law relied upon, and the record in the instant case, we conclude that the circuit court did not err. Consequently, we affirm.

Sanga's argument that the district court erred in denying her motion for reconsideration is not supported by the record. Sanga has failed to raise any arguments or offer any evidence that could not have been presented at trial. Amfac, Inc. v. Waikiki Beachcomber Inv. Co., 74 Haw. 85, 114-115, 839 P.2d 10, 26-27 (1992), citing Gossinger v. Ass'n of Apartment Owners of Regency of Ala Wai, 73 Haw. 412, 424-25, 835 P.2d 627, 634-35 (1992) and Briggs v. Hotel Corp. of the Pacific, Inc., 73

¹ The Honorable William A. Cardwell presided.

KHAMAKAOU
CLERK, APPELLATE COURT
STATE OF HAWAII

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Haw. 276, 286, 831 P.2d 1335, 1342 (1992) ("[A] motion for reconsideration is not time to relitigate old matters."). Indeed, all of the arguments raised and evidence relied upon, either was or could have been introduced in the original proceeding. As such, there is no foundation for the conclusion that the district court abused its discretion in denying the motion for reconsideration. Gossinger, 73 Haw. at 424, 835 P.2d at 634; State v. Akina, 73 Haw. 75, 78, 828 P.2d 269, 271 (1992).

Therefore,

The District Court of the First Circuit's April 5, 2004 final judgment is affirmed.

DATED: Honolulu, Hawai'i, February 23, 2007.

On the briefs:

Dan S. Ikehara,
for Defendant-Appellant.



Presiding Judge

Alfredo G. Evangelista,
(Evangelista & Quiban)
for Plaintiff-Appellee.



Associate Judge



Associate Judge