

NOT FOR PUBLICATION

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E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

NO. 26082

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

NANCY NURSALL, Plaintiff-Appellant v.
CHIEF MICHAEL NAKAMURA, retired; HONOLULU POLICE DEPARTMENT;
CITY AND COUNTY OF HONOLULU, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 98-3443)

SUMMARY DISPOSITION ORDER

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

Pro se Plaintiff-Appellant Nancy Nursall (Nursall) appeals from the Judgment entered on September 3, 2003 in the Circuit Court of the First Circuit (circuit court).^{1/} On appeal, Nursall argues that the circuit court erred in granting summary judgment in favor of Chief Michael Nakamura, retired; the Honolulu Police Department; and the City and County of Honolulu because there were genuine issues of material fact.

The Honolulu Police Department (HPD) hired Nursall as a Police Radio Dispatcher I (PRD I) trainee on June 15, 1996, subject to a one-year probation period. The HPD terminated Nursall's employment on October 15, 1996. On July 31, 1998, Nursall filed a complaint in circuit court against former Police Chief Michael Nakamura (Nakamura), HPD, and the City and County

^{1/} The Honorable Richard W. Pollack presided.

of Honolulu (the City), claiming she was subjected to discriminatory practices while employed as a PRD I because she was Caucasian.^{2/} Nursall amended her complaint on August 14, 1998, and March 22, 2002.

Nakamura, HPD, and the City filed a Motion for Summary Judgment on July 3, 2003. On August 12, 2003, the circuit court issued an order granting the Motion for Summary Judgment. The circuit court entered the Judgment on September 3, 2003. Nursall timely filed an appeal on September 9, 2003.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues as raised by the parties, we conclude the circuit court did not err in granting the Motion for Summary Judgment because there were no genuine issues of material fact. Hawai'i Rules of Civil Procedure Rule 56; Querubin v. Thronas, 107 Hawai'i 48, 56, 109 P.3d 689, 697 (2005); Iddings v. Mee-Lee, 82 Hawai'i 1, 5, 919 P.2d 263, 267 (1996); Furukawa v. Honolulu Zoological Soc'y, 85 Hawai'i 7, 12-13, 936 P.2d 643, 648-49 (1997).

Therefore,

^{2/} Prior to filing the complaint in the instant case, Nursall had initiated two others: an internal complaint with HPD Internal Affairs and a complaint with the Hawai'i Civil Rights Commission. Both complaints were based upon the same allegation of discriminatory practices. And both complaints lead to investigations that found Nursall's allegation to be unsubstantiated.

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The Judgment filed on September 3, 2003 in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, June 26, 2006.

On the briefs:

Nancy Nursall,
Plaintiff-Appellant pro se.

Marie Manuele Gavigan,
Deputy Corporation Counsel,
City and County of Honolulu,
for Defendants-Appellees.



Acting Chief Judge



Associate Judge



Associate Judge