

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CARIDAD A. GALASINAO and	)	CIV. NO. 96-3995
HELEN GALASINAO ACPAL,	)	
	)	FIRST CIRCUIT COURT
Plaintiffs-Appellees/	)	
Cross-Appellants,	)	
	)	
vs.	)	
	)	
HERMAN M. MACANAS,	)	
	)	
Defendant-Appellant/	)	
Cross-Appellee,	)	
	)	
and	)	
	)	
TITLE GUARANTY ESCROW	)	
SERVICES, INC.; JOHN DOES	)	
1-50; JANE DOES 1-50; DOE	)	
CORPORATIONS 1-50; DOE	)	
ENTITIES 1-50 and DOE	)	
GOVERNMENTAL UNITS 1-50,	)	
	)	
Defendants.	)	
_____	)	

SUMMARY DISPOSITION ORDER

Defendant-appellant Herman Macanas appeals from the portion of the final judgment entered in favor of plaintiffs-appellees Caridad Galasinao and her daughter, Helen Galasinao Acpal, collectively, the Galasinaos). The Galasinaos cross-appeal from the portions of the final judgment entered in favor of Macanas. Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments made and the issues raised by the parties,

IT IS HEREBY ORDERED that the circuit court's judgment is hereby affirmed for the following reasons: 1) the circuit court properly concluded that Macanas could not bring a civil action for the \$40,000 held in escrow and properly ordered the

funds returned to the Galasinaos; Hawai'i Revised Statutes (HRS) § 444-22 (1993); Butler v. Obayashi, 71 Haw. 177, 785 P.2d 1328 (1990); 2) HRS § 444-22 does not require Macanas to return the amounts paid to him solely because he is an unlicensed contractor; 3) the Galasinaos failed to prove their actual damages resulting from the alleged breach of contract and failed to prove that allowing Macanas to keep the \$287,500 paid to him would constitute unjust enrichment; and 4) Macanas's actions did not constitute unfair and deceptive trade practices.

DATED: Honolulu, Hawai'i,

On the briefs:

Ernest Y. Yamane for  
defendant-appellant/  
cross-appellee

Harold Chu for  
plaintiffs-appellees/  
cross-appellants

Lorrin B. Hirano and  
Keith M. Yonamine of  
Ashford & Wriston for  
defendant-appellee