

NO. 22881

IN THE SUPREME COURT OF THE STATE OF HAWAII

DEBORAH D. YOUNG, Plaintiff-Appellant

vs.

GARY BLAICH, M.D.; RON BLUESTEIN, M.D.; JANE DONAHUE;
WILLIAM KEEGAN; BARBARA PARRIOT; JUDITH SAMFORD, PH.D.;
KELLY SWITZER; PATRICIA THIELEN; DYKES YOUNG, M.D.;
RAY TAUSCHEK; HAWAII STATE HOSPITAL; STATE OF HAWAII; and
ADJUSTING SERVICES OF HAWAII, INC., Defendants-Appellees

and

MICHAEL SERFASS, JOHN DOES 1-10; DOE CORPORATIONS 1-10;
DOE PARTNERSHIPS 1-10; and DOE GOVERNMENTAL AGENCIES 1-10,
Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 96-1220)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Plaintiff-appellant Deborah D. Young (Appellant) appeals the first circuit court's dismissal of claims against defendant-appellee Adjusting Services of Hawaii, Inc. and the court's orders of summary judgment in favor of defendants-appellees Gary Blaich, M.D.; Ron Bluestein, M.D.; Jane Donahue; William Keegan, Barbara Parriot, Judith Samford, Ph.D.; Kelly Switzer; Patricia Thielen; Dykes Young, M.D.; Ray Tauschek; Hawaii State Hospital; and the State of Hawaii. On appeal, Appellant argues that the circuit court's orders of dismissal and summary judgment were improper.

As an initial matter, we note that Appellant's opening brief fails to comply with the requirements of Hawaii Rules of Appellate Procedure (HRAP) Rule 28. Although "such noncompliance offers sufficient grounds for the dismissal of the appeal," this

court may address the issues raised by Appellant because "this court has consistently adhered to the policy of affording litigants the opportunity to have their cases heard on the merits, where possible." Housing Finance and Development Corp. v. Ferguson, 91 Hawai'i 81, 86, 979 P.2d 1107, 1112 (1999) (quotation omitted).

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 raised by the parties, we hold that because: (1) with respect to the motion to dismiss, Appellant's complaint failed to establish that Adjusting Services of Hawaii, Inc. owed an implied duty of good faith to Appellant, and (2) with respect to the motions for summary judgment, Appellant failed not only to file any opposition to the motions, but also to appear at the hearings on the motions, the circuit court's orders and judgment were proper.

IT IS HEREBY ORDERED that the orders and judgment of the circuit court from which the appeal is taken are affirmed.

DATED: Honolulu, Hawai'i, March 1, 2001.

On the briefs:

Deborah Young,
Plaintiff-Appellant pro se

Kathleen N. A. Watanabe,
Gary K. H. Kam, and Sarah R.
Hirakami, Deputy Attorneys
General, for Defendants-
Appellees State of Hawai'i,
Department of Health; Gary
Blaich; Ron Bluestein; Jane
Donahue; William Keegan;
Barbara Parriot; Judith
Samford; Kelly Switzer;
Patricia Thielen; Dykes
Young; and Ray Tauschek

Keith Hiraoka and April
Luria for Defendant-
Appellee Adjusting Services
of Hawai'i, Inc.