

NO. 30563

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

RMS RESIDENTIAL PROPERTIES, LLC, AS OWNER DESIGNEE,  
Plaintiff-Appellee, v. FRANKLIN VALDEZ,  
LYNETTE LOU KAWAIKAUIKAMAKAOKAOPUA VALDEZ,  
Defendants-Appellants, and JOHN and MARY  
DOES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(CIVIL NO. 09-1-0057)

SUMMARY DISPOSITION ORDER

(By: Fujise, Presiding Judge, Leonard and Ginoza, JJ.)

Defendants-Appellants Franklin Valdez and Lynette Lou Kawaikauikamakaoakopua Valdez ("**Appellants**"), appeal from the Order Denying Ex Parte Motion for Temporary Restraining Order, filed on May 17, 2010, in the Circuit Court of the Third Circuit (**Circuit Court**).<sup>1</sup>

Appellants' sole point of error appears to be that the Circuit Court erred by denying their post-judgment Ex Parte Motion for Temporary Restraining Order, filed on April 21, 2010, because the Circuit Court lacked subject matter jurisdiction over the underlying ejectment case.<sup>2</sup>

---

<sup>1/</sup> The Honorable Greg K. Nakamura presided.

<sup>2/</sup> On February 10, 2011, this court issued an Order Granting in Part and Denying in Part Plaintiff-Appellee RMS Residential Properties, LLC's Motion to Dismiss Appeal. Appellants' appeal from the November 12, 2009

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, we resolve Appellants' contentions as follows:

Appellants' argument is without merit. The Circuit Court has jurisdiction over civil actions and proceedings. Hawaii Revised Statutes (**HRS**) § 603-21.5. A complaint for ejectment is a civil action or proceeding within the meaning of HRS § 603-21.5. Persons claiming to be citizens of the Kingdom of Hawai'i are subject to the laws of the State of Hawai'i, including the statutes providing for the jurisdiction of the circuit courts. See generally State v. Fergerstrom, 106 Hawai'i 43, 55, 101 P.3d 652, 664 (App. 2004); State v. Lorenzo, 77 Hawai'i 219, 220, 883 P.2d 641, 642 (App. 1994); State v. Jim, 80 Hawai'i 168, 172, 907 P.2d 754, 758 (1995).

The Circuit Court's May 17, 2010 Order Denying Ex Parte Motion for Temporary Restraining Order is affirmed.

DATED: Honolulu, Hawai'i, November 22, 2011.

On the briefs:

Keoni K. Agard  
Dexter K. Kaiama  
(Agard & Kaiama, LLC)  
for Defendants-Appellants

Presiding Judge

Associate Judge

Lester K.M. Leu  
Karyn A. Doi  
(Leu & Okuda)  
for Plaintiff-Appellee

Associate Judge

---

<sup>2/</sup>(...continued)  
Judgment (on the order granting Plaintiff's motion for summary judgment) was dismissed for lack of appellate jurisdiction.