

NO. 29574

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

KEVIN MILNES, Plaintiff-Appellant,
v.
DICK PACIFIC CONSTRUCTION CO., LTD., Defendant-Appellee,
and
JOHN DOES 1-5; JANE DOES 1-5; DOE CORPORATIONS 1-5;
DOE PARTNERSHIPS 1-5; DOE NON-PROFIT ORGANIZATIONS 1-5;
and DOE GOVERNMENTAL AGENCIES 1-5, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 06-1-1841)

SUMMARY DISPOSITION ORDER

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

In an appeal arising out of allegations of wrongful termination of employment, Plaintiff-Appellant pro se Kevin Milnes (Milnes) appeals from the Judgment filed on February 19, 2009 in the Circuit Court of the First Circuit¹ (circuit court). The circuit court entered judgment in favor of Defendant-Appellee Dick Pacific Construction, Co., Ltd. (DPC) and against Milnes.

On appeal, Milnes contends the circuit court erred

(1) in barring his discrimination claims based on retaliation and disability by granting DPC's Motion for Partial Summary Judgment;

(2) in concluding he failed to prove his termination was because of his race or age;

(3) in concluding there was insufficient evidence to support his claim of negligent or intentional infliction of emotional distress;

(4) in barring his economic loss claim by granting DPC's Motion in Limine²;

¹ The Honorable Victoria S. Marks presided.

² We discern this argument from Milnes' reply brief.

(5) in crediting DPC's witnesses' testimony over his testimony;

(6) by not taking into account his pro se status; and

(7) in not deferring to the case law he cited.

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, as well as the relevant statutory and case law, we conclude that Milnes' appeal is without merit.

Therefore,

The Judgment filed on February 19, 2009 in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, July 20, 2010.

On the briefs:

Kevin J. Milnes,
Plaintiff-Appellant pro se.

Chief Judge

A. Debbie Jew
(Ogawa, Lau Nakamura & Jew)
for Defendant-Appellee.

Associate Judge

Associate Judge