

NO. 29547

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

GREGORY CARTER, Plaintiff-Appellant,  
v.  
UNIVERSITY OF HAWAII, Defendant-Appellee  
and  
KAPIOLANI COMMUNITY COLLEGE, JOHN MORTON,  
LEON RICHARDS, LOUISE PAGOTTO, DAVID  
NAPOLEON, and STATE OF HAWAII, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 01-1-1830)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding J., Fujise and Leonard, JJ.)

In this employment discrimination case, Plaintiff-Appellant Gregory Carter (Carter) appeals from the Judgment filed on November 25, 2008 in the Circuit Court of the First Circuit<sup>1</sup>

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<sup>1</sup> The Honorable Dan T. Kochi presided over the motions, and the Honorable Sabrina S. McKenna presided over the trial and signed the Judgment.

circuit court). The circuit court entered judgment in favor of Defendant-Appellee University of Hawaii (UH) and against Carter as to all of Carter's claims against UH. The circuit court also dismissed all other claims by or against any other party.

On appeal, Carter raises ten points of error and three "questions." As to the points of error, Carter essentially contends that the evidence presented at trial contradicts the October 14, 2008 Findings of Fact and Conclusions of Law (FOFs/COLs) because the FOFs/COLs are not supported by evidence, the FOFs/COLs are erroneous, evidence was improperly excluded, circuit court Judge McKenna should have recused herself, and his former attorney provided ineffective counsel. Carter's "questions" on appeal ask whether the circuit court, in the motions hearing of January 10, 2002, erred when it allowed UH's attorneys to represent the individual defendants and when it dismissed Carter's Hawaii Revised Statutes (HRS) § 378-2 (Supp. 2008) claim. Carter also asks whether UH properly submitted its proposed findings of fact and conclusions of law to the circuit court.

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 Carter's appeal is without merit.<sup>2</sup>

Therefore,

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<sup>2</sup> Although Carter correctly posits that Title VII of the Civil Rights Law and HRS Chapter 378 prohibit racial discrimination against "white males," he failed to demonstrate any error in the circuit court's disposition of his claims.

IT IS HEREBY ORDERED that the Judgment filed on November 25, 2008 in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, November 22, 2010.

On the briefs:

Gregory Carter,  
Plaintiff-Appellant pro se.

Darolyn H. Lendio,  
University General Counsel,  
Ryan M. Akamine,  
Associate General Counsel,  
Christine F. Tamashiro,  
Assistant General Counsel,  
for Defendant-Appellee.

Presiding Judge

James E. Halvorson and  
Richard H. Thomason,  
Deputy Attorneys General,  
for Defendant State of  
Hawaii.

Associate Judge

Associate Judge