

**Electronically Filed
Intermediate Court of Appeals
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NO. 29040

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

PERFECTO P. PASCUAL, RUSSELL AUGUSTIN, and
DEGUIA V. AUGUSTIN, Plaintiffs-Appellees,
v.
ALFREDO MARQUEZ GAPASIN, and G ENGINEERS ASSOCIATES,
Defendants-Appellants,
and
ADDWAY, INC., Intervenor-Appellant,
and
JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS;
DOE CORPORATIONS and OTHER ENTITIES 1-20, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 97-2600)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding Judge, Fujise and Reifurth, JJ.)

Defendant-Appellant Alfredo Marquez Gapasin ("Gapasin") appeals from the January 31, 2008 Order Granting Plaintiffs Perfecto P. Pascual, Russel Augustin and Deguia V. Augustins' [(collectively, "Plaintiffs-Appellees")] Motion to Extend Judgment Filed December 22, 1997 Filed On December 3, 2007 ("Order"), entered in the Circuit Court of the First Circuit.^{1/} The Order granted Plaintiffs-Appellees' post-judgment motion to extend a judgment for another ten years pursuant to Hawaii Revised Statutes ("HRS") § 657-5 (Supp. 2010).^{2/}

^{1/} The Honorable Glenn J. Kim presided.

^{2/} HRS § 657-5 (Supp. 2010) provides in relevant part:

Unless an extension is granted, every judgment and decree of any court of the State shall be presumed to be paid and discharged at the expiration of ten years after the judgment or decree was rendered. . . . No extension of a judgment or decree shall be granted unless the extension is sought within ten years of the date the original judgment or

On appeal, Gapasin contends that the extension was erroneously granted because Plaintiffs-Appellees failed to present admissible evidence necessary to overcome the statutory presumption that a ten-year old judgment has been paid.

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 find no merit in Gapasin's argument.

Therefore,

IT IS HEREBY ORDERED that the January 31, 2008 Order entered in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, October 13, 2011.

On the briefs:

Gary Victor Dubin and
Long H. Vu,
for Defendant-Appellant
Alfredo Marquez Gapasin

Junsuke Otsuka,
Joseph Lee, and
David Squeri,
(Otsuka & Buffington)
for Plaintiffs-Appellees


Presiding Judge


Associate Judge


Associate Judge

decree was rendered. . . . No extension shall be granted without notice and the filing of a non-hearing motion or a hearing motion to extend the life of the judgment or decree.