NO. CAAP-11-0000462

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAIʻI

MELVIN McAULTON, Plaintiff-Appellant/Cross-Appellee, v. CAMBRIDGE MANAGEMENT, INC., Defendant-Appellee/Cross-Appellant, and JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10; DOE PARTNERSHIPS 1-10; DOE NON-PROFIT ENTITIES 1-10; and DOE GOVERNMENTAL ENTITIES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 08-1-2620)

SUMMARY DISPOSITION ORDER
(By: Foley, Presiding Judge, Leonard and Reifurth, JJ.)

Plaintiff-Appellant and Cross-Appellee Melvin McAulton (**McAulton**) appeals *pro se* from an April 18, 2011 Judgment (**Judgment**) entered by the Circuit Court of the First Circuit (**Circuit Court**) in favor of Defendant-Appellee and Cross-Appellant Cambridge Management, Inc. (**Cambridge**).[1] Cambridge cross-appeals from the same judgment.

In various sections of the Opening Brief, McAulton prefaces numerous statements, issues, and/or arguments with the phrase "Point of Error". However, these points, and other parts of McAulton's brief, in many significant ways do not comply with the requirements of Hawaiʻi Rules of Appellate Procedure (**HRAP**) 28(b) and are otherwise indiscernible. It appears that McAulton

[1] The Honorable Patrick W. Border presided.

seeks a determination by this appellate court concerning the merits of his tort claim against Cambridge. The Circuit Court, however, did not enter its judgment against McAulton and in favor of Cambridge based on the merits of the parties' claims and defenses. Rather, the Circuit Court granted Cambridge's motion to dismiss McAulton's Complaint with prejudice for want of prosecution and for attorneys' fees and costs. On appeal, McAulton failed to raise any discernible point of error concerning the dismissal of the Complaint and/or the award of attorneys' fees and costs. 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 conclude that the Circuit Court's judgment in favor of Cambridge and against McAulton must be affirmed.

Accordingly, we need not reach the issue raised by Cambridge on its cross-appeal.

For these reasons, the Circuit Court's April 18, 2011 Judgment is affirmed.

DATED: Honolulu, Hawaiʻi, January 23, 2013.

On the briefs:

Melvin McAulton
Pro Se Plaintiff-Appellant/
Cross-Appellee

Presiding Judge

Sidney K. Ayabe
Gary S. Miyamoto
(Ayabe, Chong, Nishimoto,
Sia & Nakamura)
for Defendant-Appellee/
Cross-Appellant

Associate Judge

Associate Judge