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Intermediate Court of Appeals
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NO. CAAP-14-0001192

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

SEUNG YE CHOI, Petitioner-Appellee, v.
DUKE G. FAJARDO, Respondent-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CIVIL CASE NO. 1SS14-1-913)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding J., Reifurth and Ginoza, JJ.)

Respondent-Appellant Duke G. Fajardo (**Fajardo**) appeals from an "Injunction Against Harassment" entered September 24, 2014 in the District Court of the First Circuit¹ (**district court**).

Fajardo's sole point on appeal is that the district court lacked subject matter jurisdiction because Fajardo had a "dating relationship" with Petitioner-Appellee Seung Ye Choi (**Choi**). Fajardo contends because he was dating Choi, the family court had exclusive jurisdiction. Hawaii Revised Statutes (**HRS**) § 571-14(8) (Supp. 2014) and §§ 586-1 through 586-3 (2006 Repl.).

Upon careful review of the record and the brief submitted and having given due consideration to the arguments advanced and the issues raised, as well as the relevant statutory and case law, we conclude Fajardo's appeal is without merit.

The district court found there was no consensual relationship between Fajardo and Choi, who was married to her

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The Honorable Michael K. Tanigawa presided.

husband during the time Fajardo alleged they had a consensual relationship. This finding of the district court was dependent on the credibility of Choi and her husband and the lack of credibility of Fajardo, a province of the trier of fact. State v. Mattiello, 90 Hawai'i 255, 259, 978 P.2d 693, 697 (1999).

Based on the district court's credibility determination that there was not a consensual relationship, which would include "dating" between Fajardo and Choi, the district court did not err in concluding it had jurisdiction in the matter.

Therefore,

IT IS HEREBY ORDERED that the "Injunction Against Harassment" entered September 24, 2014 in the District Court of the First Circuit is affirmed.

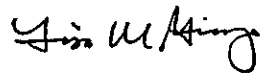
DATED: Honolulu, Hawai'i, June 25, 2015.

On the brief:

Duke G. Fajardo
Respondent-Appellant pro se.


Presiding Judge


Associate Judge


Associate Judge