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Intermediate Court of Appeals
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NO. CAAP-18-0000190

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

GALINA OGEONE, Plaintiff-Appellant, v.
DENTIST LESLIE AU, Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 18-1-0076)

SUMMARY DISPOSITION ORDER

(By: Ginoza, Chief Judge, Leonard and Reifurth, JJ.)

Plaintiff-Appellant Galina Ogeone (**Ogeone**) appeals *pro se* from the December 12, 2018 Final Judgment entered by the Circuit Court of the First Circuit (**Circuit Court**),¹ and challenges the Circuit Court's February 22, 2018 Order Denying Plaintiff's Exparte [sic] Motion for Leave to File Complaint Against Dentist Leslie Au for Violation of Plaintiff Ogeone's Constitutional Rights (**Order Denying Leave**).

Ogeone raises three points of error on appeal, contending that: (1) the Circuit Court erred in denying Ogeone's motion for leave because the Order Denying Leave did not present any conclusion of law; (2) the Circuit Court erred in denying

¹ The Honorable Dean E. Ochiai presided.

Ogeone's motion for leave because the court erred in referring to the law cited in Defendant-Appellee Leslie Au, D.M.D.'s (**Au's**) opposition to Ogeone's motion; and (3) Au committed a fraud on the court by misrepresenting Ogeone's claim as one for professional negligence.

Upon careful review of the record and the briefs submitted by the parties, and having given due consideration to the arguments advanced, the issues raised by the parties, and the relevant statutory and case law, we resolve Ogeone's points of error as follows:

(1) We conclude that the Circuit Court was not required to enter additional conclusions of law when it entered the Order Denying Leave.

(2) Although no transcript of the February 13, 2018 hearing on Ogeone's motion for leave is included in the record on appeal, it appears that Ogeone contends that the Circuit Court erred in denying her leave to file a complaint based on, *inter alia*, the pendency of Ogeone's previously-filed lawsuit against Au, the legal infirmity of Ogeone's proposed complaint against her dentist based on an alleged violation of the Eighth Amendment of the U.S. Constitution, and the statute of limitation for a professional negligence claim, which Ogeone submits that she is not seeking to pursue in this case. Ogeone's claim of error is without merit and we conclude that the Circuit Court did not err under Hawaii Revised Statutes § 634J-7(b).

(3) Upon review of the proposed complaint attached to Ogeone's motion for leave (and the amended motion for leave), as

well as Au's opposition to Ogeone's motion for leave, we conclude that Ogeone's contention that Au committed a fraud on the court is without merit.

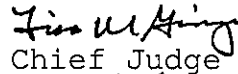
For these reasons, the Circuit Court's December 12, 2018 Final Judgment and the February 22, 2018 Order Denying Leave are affirmed.

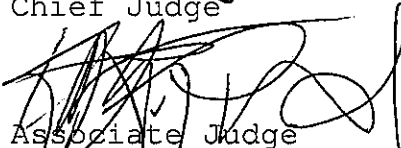
DATED: Honolulu, Hawai'i, April 18, 2019.

On the briefs:

Galina Ogeone,
Plaintiff-Appellant, *Pro Se*.

John Burke,
Steven E. Tom,
(Burke McPheeters Bordner &
Estes),
for Defendant-Appellee.


Chief Judge


Associate Judge


Associate Judge