

NO. 21896

IN THE SUPREME COURT OF THE STATE OF HAWAII

JOHN T. GOSS, as Trustee in Bankruptcy of HAMAKUA SUGAR
COMPANY, INC., and ENSERCH DEVELOPMENT CORPORATION
HAMAKUA, INC., Plaintiffs-Appellees

vs.

KEAHIALAKA (w), aka KEAHI, et al., Defendants

and

MELVIN GLENN MASON, SR. and MATHILDA NOELANI
BATALONA MASON, Defendants-Appellants

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 96-022)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

In this quiet title action, defendants-appellants Melvin and Mathilda Mason (the Appellants) appeal from the third circuit court's final judgment entered May 5, 1998 quieting title in, among other parcels of real estate, Royal Patent Grant No. 1968 to Kanalua in plaintiffs-appellees John T. Goss, trustee in bankruptcy of Hamakua Sugar Company, Inc., and Enserch Development Corporation Hamakua, Inc. (the Appellees).

On appeal, the Appellants, proceeding pro se, argue, inter alia, that the circuit court erroneously granted the

Appellees' motions for summary judgment as to Royal Patent Grant No. 1968 to Kanalua.

Upon carefully reviewing the record and briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised, we hold, by virtue of the Appellants' noncompliance with Hawai'i Rules of Appellate Procedure (HRAP) Rules 28(b)(3) (requiring a statement of the case, together with record references), and 28(b)(4) (requiring a concise statement of points of error on appeal), as well as the Appellants' failure to advance a comprehensible argument as required by HRAP Rule 28(b)(7), that the Appellants have failed to provide viable arguments so as to enable this court to determine whether there is any theory which might entitle the Appellants to relief. Mendes v. Heirs and/or Devisees of Kealakai, 81 Hawai'i 165, 169, 914 P.2d 558, 562 (App. 1996). Because the judgment of the circuit court comes before this court with a presumption of validity, State v. Makaila, 79 Hawai'i 40, 45, 897 P.2d 967, 972 (1995), the Appellees are entitled to an affirmance. Ala Moana Boat Owners' Ass'n v. State, 50 Haw. 156, 158-59, 434 P.2d 516, 518 (1967). Moreover, this court has found

no error in law or equity which would entitle the Appellants to relief. Therefore,

IT IS HEREBY ORDERED that the circuit court's August 17, 1998 amended final judgment is affirmed.

DATED: Honolulu, Hawai'i, May 9, 2001.

On the briefs:

Melvin Glenn Mason, Sr.
and Mathilda Noelani
Batalona Mason,
defendants-appellants
pro se

Tom C. Leuteneker and
Sherrill Atwood, of
Carlsmith Ball Wichman
Case & Ichiki, for
plaintiffs-appellees