

NO. CAAP-10-0000189

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

PETER JOSEPH ELSENBACH, Plaintiff-Appellee,
v.
RONDA LEE RAMOS-ELSENBACH, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(FC-D NO. 07-1-132K)

SUMMARY DISPOSITION ORDER
(By: Nakamura, C.J., Foley and Reifurth, JJ.)

Pro Se Defendant-Appellant Ronda Lee Ramos-Elsenbach (Ramos-Elsenbach) appeals from the Divorce Decree entered November 1, 2010 in the Family Court of the Third Circuit¹ (family court) and the following orders also entered November 1, 2010 in family court: (1) "Order Denying Defendant Ronda Lee Ramos-Elsenbach's Motion To Rescind Prenuptial Agreement For Breach Of Agreement Filed December 7, 2009," (2) "Order Denying Ronda Lee Ramos-Elsenbach's Motion For Partial Summary Judgment For Reimbursement Of Proceeds From Sale Of Her One Half Interest In Lake Oswego Oregon Property Filed December 7, 2009," and (3) "Order Denying Ronda Lee Ramos-Elsenbach's Motion and Affidavit For Order To Show Cause And Relief After Order Or Decree Filed December 30, 2009."

¹ The Honorable Lloyd Van De Car presided.

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, as well as the relevant statutory and case law, we conclude Ramos-Elsenbach's appeal is without merit.

Generally, the family court possesses wide discretion in making its decisions and those decisions will not be set aside unless there is a manifest abuse of discretion. Thus, [an appellate court] will not disturb the family court's decisions on appeal unless the family court disregarded rules or principles of law or practice to the substantial detriment of a party litigant and its decision clearly exceeded the bounds of reason.

Fisher v. Fisher, 111 Hawai'i 41, 46, 137 P.3d 355, 360 (2006) (quoting In re Doe, 95 Hawai'i 183, 189-90, 20 P.3d 616, 622-23 (2001)). "Furthermore, the burden of establishing abuse of discretion is on appellant, and a strong showing is required to establish it." Ek v. Boggs, 102 Hawai'i 289, 294-95, 75 P.3d 1180, 1185-86 (2003) (internal quotation marks, citation, and brackets omitted).

Ramos-Elsenbach contends family court abused its discretion when it failed to hear and decide three "pre-trial" motions before trial commenced. Trial commenced on November 23, 2009 and ended on February 12, 2010. During the trial, Ramos-Elsenbach filed two "pretrial" motions on December 7, 2009, and one "pretrial" motion on December 30, 2009. Family court heard the motions January 25, 2010, took them under advisement, and decided the motions after the completion of the trial. Under Hawai'i Family Court Rules (HFCR) Rule 78, the family court may hear and dispose of motions as the court "considers reasonable." HFCR 78. The family court did not violate HFCR 78 and as such did not abuse its discretion. Ramos-Elsenbach's argument is without merit. Consequently, Ramos-Elsenbach's claim the family court denied her due process and equal protection of the laws is also without merit.

Ramos-Elsenbach contends the family court erred in failing to properly apply Hawaii Revised Statutes (HRS) § 572-24

(2006 Repl.) and § 580-47 (2006 Repl. & Supp. 2011) in deciding her requests for spousal support. The family court did properly apply HRS § 572D-6(e) (2006 Repl.) and thus, did not abuse its discretion in denying spousal support. Lewis v. Lewis, 69 Haw. 497, 499-500, 748 P.2d 1362, 1365 (1988).

Ramos-Elsenbach's remaining arguments are also without merit.

Therefore,

IT IS HEREBY ORDERED that the Divorce Decree entered November 1, 2010 in the Family Court of the Third Circuit and the following orders also entered November 1, 2010 in family court: (1) "Order Denying Defendant Ronda Lee Ramos-Elsenbach's Motion To Rescind Prenuptial Agreement For Breach Of Agreement Filed December 7, 2009," (2) "Order Denying Ronda Lee Ramos-Elsenbach's Motion For Partial Summary Judgment For Reimbursement Of Proceeds From Sale Of Her One Half Interest In Lake Oswego Oregon Property Filed December 7, 2009," and (3) "Order Denying Ronda Lee Ramos-Elsenbach's Motion and Affidavit For Order To Show Cause And Relief After Order Or Decree Filed December 30, 2009" are affirmed.

DATED: Honolulu, Hawai'i, October 17, 2012.

On the briefs:

Ronda Lee Ramos-Elsenbach
Defendant-Appellant pro se.

Chief Judge

Ira Leitel
and
Robert D.S. Kim
for Plaintiff-Appellee.

Associate Judge

Associate Judge