

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

Stott Property Management LLC v. Simmons

Stott Property Management · No. CAAP-25-0000493 · Decided December 30, 2025

SUMMARY

The Intermediate Court of Appeals of Hawai‘i dismissed Kelvin Simmons's appeal because he failed to file the required statement of jurisdiction and opening brief by the applicable deadlines. The court noted that Simmons had not sought relief from the clerk's defaults under the Hawai‘i Rules of Appellate Procedure.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Intermediate Court of Appeals of the State of Hawai‘i                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Karen T. Nakasone, Chief Judge; Sonja M.P. McCullen, Associate Judge; Kimberly T. Guidry, Associate Judge                                                                                                                                                                                         |
| JURISDICTION          | Intermediate Court of Appeals of the State of Hawai‘i                                                                                                                                                                                                                                             |
| DECIDED               | December 30, 2025                                                                                                                                                                                                                                                                                 |
| DOCKET                | CAAP-25-0000493                                                                                                                                                                                                                                                                                   |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Kelvin Simmons appealed from proceedings in the Circuit Court of the First Circuit but failed to file the required statement of jurisdiction and opening brief. The Intermediate Court of Appeals dismissed the appeal after default was entered and no motion for relief from default was filed. |
| PRECEDENTIAL VALUE    | Nonprecedential; not for publication in the West's Hawai‘i Reports and Pacific Reporter                                                                                                                                                                                                           |
| PARTIES               | Kelvin Simmons v. Stott Property Management LLC, as managing agent, Leonida Simmons                                                                                                                                                                                                               |

TOPICS

- appellate procedure
- default
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

## QUESTIONS PRESENTED

1. Whether the appeal should be dismissed when the appellant failed to file the required statement of jurisdiction and opening brief and did not seek relief from default.

## HOLDINGS

1. An appeal may be dismissed when the appellant fails to file the required statement of jurisdiction and opening brief by the applicable deadlines and does not obtain relief from the resulting default.

## KEY QUOTATIONS

*“Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.” (2)*

## FACTUAL BACKGROUND

Kelvin Simmons filed an appeal from a civil case involving Stott Property Management LLC and Leonida Simmons. He did not file the statement of jurisdiction or opening brief by the deadlines set by the Hawai‘i Rules of Appellate Procedure. After receiving notice of the default and the possibility of dismissal, he did not seek relief from default or file the missing documents.

## PROCEDURAL HISTORY

Simmons filed a notice of appeal on July 7, 2025, and the record on appeal was filed on August 26, 2025. His statement of jurisdiction was due September 5, 2025, and his opening brief was due October 6, 2025. After the appellate clerk entered a default for failure to file both documents and advised that Simmons could seek relief from default, Simmons filed neither the required documents nor a motion for relief. The court dismissed the appeal.

## DISPOSITION

dismissed

## INSTRUCTIONS FOR AN AI ASSISTANT

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