

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PRECEDENTIAL VALUE	Nonprecedential; not for publication in the West's Hawai‘i Reports and Pacific Reporter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

OPINION

PER CURIAM.

NOT FOR PUBLICATION IN WEST'S HAWAI#I REPORTS AND PACIFIC REPORTER
Electronically Filed Intermediate Court of Appeals CAAP-XX-XXXXXXX 30-DEC-2025 08:31 AM Dkt. 202 ODSO NO. CAAP-XX-XXXXXXX IN THE INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI#I STOTT PROPERTY MANAGEMENT LLC, as managing agent, Plaintiff/Counterclaim Defendant-Appellee, v. KELVIN SIMMONS, Defendant/Counterclaimant-Appellant; and LEONIDA SIMMONS, Defendant/Counterclaimant-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT (CIVIL NO. 1CCV-XX-XXXXXXX) ORDER DISMISSING APPEAL (By: Nakasone, Chief Judge, McCullen and

Guidry, JJ.) Upon review of the record, it appears that: (1) Defendant/Counterclaim-Appellant Kelvin Simmons (Simmons) filed the notice of appeal in this matter on July 7, 2025.

The record on appeal was filed on August 26, 2025. The statement of jurisdiction and opening brief were due, without extension, on September 5, 2025 and October 6, 2025, respectively. Hawai'i Rules of Appellate Procedure (HRAP) Rules 12.1(a), 28(b).

(2) On October 13, 2025, the appellate clerk entered a Default of Statement of Jurisdiction and Opening Brief, stating the time for filing the statement of jurisdiction expired on September 5, 2025; the time for filing the opening brief expired on October 6, 2025; the matter would be called to the court's NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER attention on October 23, 2025 for action that could include dismissal, pursuant to HRAP Rules 12.1(e) and 30; and that Simmons could seek relief from default by motion.

(3) Simmons has not filed a motion seeking relief from default, and has not filed the statement of jurisdiction and opening brief. Therefore, IT IS HEREBY ORDERED that the appeal is dismissed. DATED: Honolulu, Hawai'i, December 30, 2025. /s/ Karen T. Nakasone Chief Judge /s/ Sonja M.P. McCullen Associate Judge /s/ Kimberly T. Guidry Associate Judge 2