

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.

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NOT FOR PUBLICATION IN WEST'S HAWAI‘I REPORTS AND PACIFIC REPORTER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 ODS 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5, 2025; the time for filing the opening brief expired on October 6, 2025; the matter would be called to the court's NOT FOR PUBLICATION IN WEST'S HAWAI‘I REPORTS AND PACIFIC REPORTER attention on October 23, 2025 for action that could include dismissal, pursuant to HRAP Rules 12.1(e) and 30;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, Hawaii, December 30, 2025. /s/ Karen T. Nakasone Chief Judge /s/ Sonja M.P. McCullen Associate Judge /s/ Kimberly T. Guidry Associate Judge 2

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