

SUPREME COURT OF THE STATE OF HAWAI‘I

M.S. v. L.S.

M.S. v. L.S. · No. SCWC-23-0000542 · Decided May 22, 2026

SUMMARY

The Hawai‘i Supreme Court accepted L.S.’s application for a writ of certiorari from an Intermediate Court of Appeals decision and ordered that no oral argument would be heard unless a party moved for its retention under Hawai‘i Rules of Appellate Procedure Rule 34(c). Justice Ginoza dissented, concluding that the application was untimely under Hawai‘i Revised Statutes § 602-59(c) and Hawai‘i Rules of Appellate Procedure Rule 40.1(a).

CASE DETAILS

COURT	Supreme Court of the State of Hawai‘i
WRITING FOR THE COURT	Vladimir P. Devens, Chief Justice; Sabrina S. McKenna, Justice; Todd W. Eddins, Justice; Lisa M. Ginoza, Justice, dissenting; Kauanoe A.D. Jackson, Circuit Judge, assigned by reason of vacancy
JURISDICTION	Supreme Court of the State of Hawai‘i
DECIDED	May 22, 2026
DOCKET	SCWC-23-0000542
DISPOSITION	cert_granted
PROCEDURAL POSTURE	The Supreme Court of Hawai‘i accepted Petitioner/Defendant-Appellant L.S.'s application for a writ of certiorari from the Intermediate Court of Appeals and ordered that no oral argument would be heard unless a party moved for retention of oral argument under Hawai‘i Rules of Appellate Procedure Rule 34(c).
PRECEDENTIAL VALUE	Published procedural order; no substantive merits holding.
PARTIES	L.S. v. M.S.

TOPICS

- writ of certiorari
- appellate procedure
- appellate jurisdiction
- family law procedure

PRACTICE AREAS

- Appellate procedure
- Family law

QUESTIONS PRESENTED

- 1. Whether L.S.'s application for a writ of certiorari should be accepted.
- 2. Whether the application was timely under Hawai‘i Revised Statutes § 602-59(c) and Hawai‘i Rules of Appellate Procedure Rule 40.1(a).

KEY QUOTATIONS

“A party may seek review of the intermediate court of appeals’ decision by filing an application for a writ of certiorari in the supreme court. The application shall be filed within 30 days after the filing of the intermediate court of appeals’ judgment on appeal . . . unless the time for filing the application is extended in accordance with this Rule.” (at 2)

FACTUAL BACKGROUND

The opinion contains no substantive factual background. The dispute concerns the timeliness of L.S.'s application for a writ of certiorari from an Intermediate Court of Appeals decision.

PROCEDURAL HISTORY

The matter arose from a Family Court of the Fifth Circuit proceeding and was reviewed by the Intermediate Court of Appeals. L.S. filed an application for a writ of certiorari on April 14, 2026. The Supreme Court accepted the application on May 22, 2026; Justice Ginoza dissented and would have dismissed the application as untimely.

DISPOSITION

cert_granted

OPINION

M.S. v. L.S.
PER CURIAM.
Electronically Filed Supreme Court
SCWC-XX-XXXXXXX
22-MAY-2026
08:26 AM Dkt. 11 OGAC
SCWC-XX-XXXXXXX
IN THE SUPREME COURT OF THE STATE OF HAWAI‘I
M.S., Respondent/Plaintiff-Appellee, vs. L.S., Petitioner/Defendant-Appellant.
CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-XX-XXXXXXX; CASE NO. 5FDV-XX-XXXXXXX)
ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI
(By: Devens, C.J., McKenna, and Eddins, JJ.; and Ginoza, J., dissenting, with whom Circuit Judge

Jackson, assigned by reason of vacancy, joins) Petitioner/Defendant-Appellant L.S.’ application for writ of certiorari filed on April 14, 2026, is accepted. It is further ordered, that no oral argument will be heard in this case. Any party may, within ten days and pursuant to Rule 34(c) of the Hawai‘i Rules of Appellate Procedure, move for retention of oral argument. DATED: Honolulu, Hawai‘i, May 22, 2026. /s/ Vladimir P. Devens /s/ Sabrina S. McKenna /s/ Todd W. Eddins DISSENT BY GINOZA, J. I respectfully dissent to the majority’s Order Accepting Application for Writ of Certiorari, and would dismiss the application as untimely. See Hawai‘i Revised Statutes § 602- 59(c) (Supp. 2017); Hawai‘i Rules of Appellate Procedure Rule 40.1(a) (“A party may seek review of the intermediate court of appeals’ decision by filing an application for a writ of certiorari in the supreme court. The application shall be filed within 30 days after the filing of the intermediate court of appeals’ judgment on appeal . . . unless the time for filing the application is extended in accordance with this Rule.”). /s/ Lisa M. Ginoza /s/ Kauanoë A.D. Jackson 2