

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).

OPINION

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

