

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

Christian P. Clemens v. Pali's Pools LLC

No. CAAP-XX-XXXXXXX, Intermediate Court of Appeals of the State of Hawai‘i (February 3, 2026)

SUMMARY

The Hawai‘i Intermediate Court of Appeals dismissed Pali's Pools LLC's motion seeking relief from an order dismissing its appeal and reinstatement based on excusable neglect. The court held that the company's owner, who was not a licensed attorney, could not represent the limited liability company and that the motion for reconsideration was untimely.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawai‘i
WRITING FOR THE COURT	Keith K. Hiraoka; Sonja M.P. McCullen; Kimberly T. Guidry
JURISDICTION	Intermediate Court of Appeals of the State of Hawai‘i
DECIDED	February 3, 2026
DOCKET	CAAP-XX-XXXXXXX
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pali's Pools LLC moved for reconsideration of the Intermediate Court of Appeals' December 23, 2025 order dismissing its appeal and sought reinstatement based on excusable neglect.
PRECEDENTIAL VALUE	Nonprecedential; the opinion is marked not for publication in the West's Hawai‘i Reports and Pacific Reporter.
PARTIES	Pali's Pools LLC v. Christian P. Clemens, Special Compensation Fund

TOPICS

- motion for reconsideration
- appellate procedure
- workers compensation
- civil procedure

PRACTICE AREAS

- appellate procedure
- workers compensation
- civil procedure
- employment law

QUESTIONS PRESENTED

1. Whether a nonlawyer owner may represent a limited liability company in an appeal.

2. Whether Pali's Pools LLC's motion for reconsideration was authorized and timely under Hawai'i Rules of Appellate Procedure Rule 40.

HOLDINGS

1. A nonlawyer owner may not represent a limited liability company in litigation or appellate proceedings.
2. A motion for reconsideration of a dispositional order must be filed within ten days after the order is filed; a motion filed after that deadline is untimely.
3. The motion for reconsideration was dismissed as unauthorized because it was submitted on behalf of the LLC by a nonlawyer and as untimely because it was filed after the ten-day deadline.

KEY QUOTATIONS

"non-attorney agents are not allowed to represent corporations in litigation" (2)

"A motion for reconsideration may be filed by a party only within 10 days after the filing of the . . . dispositional order, or ruling . . ." (2)

FACTUAL BACKGROUND

Pali's Pools LLC was the employer-appellant in an appeal arising from a workers' compensation matter. Its owner, Paul Norris, who was not a licensed attorney, attempted to represent the limited liability company in the appeal. After the appeal was dismissed, Pali's Pools filed a motion for reconsideration and reinstatement on January 26, 2026, more than ten days after the December 23, 2025 dismissal order.

PROCEDURAL HISTORY

The appeal arose from a decision of the Labor and Industrial Relations Appeals Board in case AB 2025-041, DCD No. 2-2024-321025. The Intermediate Court of Appeals had dismissed the appeal on December 23, 2025. Pali's Pools LLC, acting through its owner who was not a licensed attorney, filed a motion for relief from the dismissal and to reinstate the appeal on January 26, 2026. The court dismissed the motion as unauthorized and untimely and dismissed all pending motions.

DISPOSITION

dismissed

CASES CITED

- Oahu Plumbing & Sheet Metal, Ltd. v. Kona Constr., Inc., 60 Haw. 372, 377, 590 P.2d 570, 574 (1979)
- Kailua 50 LLC v. Ichida Kemp, No. CAAP-XX-XXXXXXX, 2020 WL 429323, at *1 (Haw. App. Jan. 28, 2020) (SDO)

OPINION

PER CURIAM.

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER
Electronically Filed Intermediate Court of Appeals CAAP-XX-XXXXXXX 03-FEB-2026 08:08
AM Dkt. 34 ODSMR NO. CAAP-XX-XXXXXXX IN THE INTERMEDIATE COURT OF
APPEALS OF THE STATE OF HAWAI'I CHRISTIAN P. CLEMENS, Claimant-
Appellee/Appellee, v. PALI'S POOLS LLC, Employer-Appellant/Appellant, Delinquent, and
SPECIAL COMPENSATION FUND, Appellee-Appellee.

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD (CASE
NO. AB 2025-041; DCD NO. 2-2024-321025)) ORDER DISMISSING MOTION FOR
RECONSIDERATION (By: Hiraoka, Presiding Judge, McCullen and Guidry, JJ.) Upon
consideration of Employer/Appellant-Appellant Pali's Pools, LLC's (Pali's Pools) January 26, 2026
Motion for Relief from Order Dismissing Appeal and to Reinstate Appeal Due to Excusable
Neglect (Motion for Reconsideration), the papers in support, and the record, 1 it appears that: (1)
Pali's Pools, self-represented through its owner, Paul Norris (Norris), seeks reconsideration of the
December 23, 2025 Order Dismissing Appeal; 1 The court did not consider self-represented
Claimant/Appellee- Appellee Christian P. Clemens's January 28, 2026 Memorandum in Opposition
to Employer-Appellant's Motion to Reinstate Appeal, because a response to a motion for
reconsideration is not permitted unless requested by the court.

Hawai'i Rules of Appellate Procedure (HRAP) Rule 40(c). NOT FOR PUBLICATION IN
WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER (2) Norris is not a licensed attorney
and may not represent his limited liability company, Pali's Pools, in this appeal. See Hawai'i
Revised Statutes §§ 605-2, 605-14 (2016); Oahu Plumbing & Sheet Metal, Ltd. v. Kona Constr.,
Inc., 60 Haw.

372, 377, 590 P.2d 570, 574 (1979) ("non-attorney agents are not allowed to represent corporations
in litigation"); Kailua 50 LLC v. Ichida Kemp, No. CAAP-XX-XXXXXXX, 2020 WL 429323, at
*1 (Haw. App. Jan. 28, 2020) (SDO) (holding a non-attorney is not allowed to represent a limited
liability company in litigation); and (3) A motion for reconsideration of the December 23, 2025
order was due on or before January 2, 2026.

See HRAP Rule 40(a) ("A motion for reconsideration may be filed by a party only within 10 days
after the filing of the... dispositional order, or ruling...."). Therefore, IT IS HEREBY ORDERED
that the Motion for Reconsideration is dismissed as unauthorized and untimely. IT IS FURTHER
ORDERED that all pending motions are dismissed. DATED: Honolulu, Hawai'i, February 3,
2026. /s/ Keith K. Hiraoka Presiding Judge /s/ Sonja M.P.

McCullen Associate Judge /s/ Kimberly T. Guidry Associate Judge 2