

SUPREME COURT OF THE STATE OF HAWAI‘I

Sandomire v. Brown

Sandomire · No. SCWC-XX-XXXXXXX · Decided January 9, 2026

SUMMARY

The Supreme Court of Hawai‘i dismissed without prejudice the petitioners’ application for a writ of certiorari because it was filed before the Intermediate Court of Appeals entered its Judgment on Appeal. The court stated that the application may be refiled within the period prescribed by 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	Sabrina S. McKenna; Todd W. Eddins; Lisa M. Ginoza; Vladimir P. Devens; Kauanoë A.D. Jackson
JURISDICTION	Supreme Court of the State of Hawai‘i
DECIDED	January 9, 2026
DOCKET	SCWC-XX-XXXXXXX
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioners/Defendants-Appellants sought a writ of certiorari from the Hawai‘i Supreme Court before the Intermediate Court of Appeals had filed its Judgment on Appeal.
PRECEDENTIAL VALUE	published
PARTIES	David Edward Brown, Lanhua Kao Brown v. Daniel M. Sandomire, Katy Yen-Ju Chen, Trudi Melohn, individually and as Co-Trustee under the William Charles Melohn III Revocable Trust dated June 4, 2010 and Co-Trustee under the Trudi Melohn Revocable Trust dated June 4, 2010, William Charles Melohn III, individually and as Co-Trustee under the William Charles Melohn III Revocable Trust dated June 4, 2010 and Co-Trustee under the Trudi Melohn Revocable Trust dated June 4, 2010

TOPICS

- writ of certiorari
- appellate jurisdiction
- appellate procedure
- civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether an application for a writ of certiorari filed before the Intermediate Court of Appeals files its Judgment on Appeal is timely under Hawai‘i Rules of Appellate Procedure Rule 40.1(a).

HOLDINGS

1. An application for a writ of certiorari filed before the Intermediate Court of Appeals files its Judgment on Appeal is premature and must be dismissed without prejudice to refiling after the judgment is filed, within the period specified by Hawai‘i Rules of Appellate Procedure Rule 40.1(a).

KEY QUOTATIONS

“The application shall be filed within thirty days after the filing of the intermediate court of appeals’ judgment on appeal or dismissal order, unless the time for filing the application is extended in accordance with this rule.” (2)

FACTUAL BACKGROUND

The material facts concern the timing of Petitioners’ application for a writ of certiorari. Petitioners filed the application before the Intermediate Court of Appeals issued its Judgment on Appeal.

PROCEDURAL HISTORY

The Intermediate Court of Appeals had not yet filed its Judgment on Appeal when Petitioners filed their application for writ of certiorari on January 6, 2026. The ICA filed its Judgment on Appeal on January 7, 2026, so the Supreme Court dismissed the premature application without prejudice to refiling within the period provided by Hawai‘i Rules of Appellate Procedure Rule 40.1(a).

DISPOSITION

dismissed

REMAND INSTRUCTIONS

None. The dismissal was without prejudice to refiling the application pursuant to Hawai‘i Rules of Appellate Procedure Rule 40.1(a).

OPINION

PER CURIAM.

Electronically Filed Supreme Court SCWC-XX-XXXXXXX 09-JAN-2026 10:31 AM Dkt. 21
ODSAC SCWC-XX-XXXXXXX IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

DANIEL M. SANDOMIRE; KATY YEN-JU CHEN; TRUDI MELOHN, individually and as Co-Trustee under the William Charles Melohn III Revocable Trust dated June 4, 2010 and Co-Trustee under the Trudi Melohn Revocable Trust dated June 4, 2010; and WILLIAM CHARLES MELOHN III, individual and as Co-Trustee under the William Charles Melohn III Revocable Trust dated June 4, 2010 and Co-Trustee under the Trudi Melohn Revocable Trust dated June 4, 2010, Respondents/Plaintiffs-Appellees, vs. DAVID EDWARD BROWN and LANHUA KAO BROWN, Petitioners/Defendants-Appellants.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CAAP-XX-XXXXXXX; CASE NO. 1CC151002267) ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI (By: McKenna, Acting C.J., Eddins, Ginoza, and Devens, JJ., and Circuit Judge Jackson, assigned by reason of vacancy) Petitioners/Defendants-Appellants David Edward Brown and Lanhua Kao Brown (Petitioners) filed an application for writ of certiorari on January 6, 2026.

At that time, the Intermediate Court of Appeals (ICA) had not yet filed a Judgment on Appeal. The ICA filed its Judgment on Appeal on January 7, 2026. Therefore, IT IS HEREBY ORDERED that the Petitioners' application for writ of certiorari, filed on January 6, 2026, is dismissed without prejudice to re-filing the application pursuant to Hawai'i Rules of Appellate Procedure Rule 40.1(a) (2020) ("The application shall be filed within thirty days after the filing of the intermediate court of appeals' judgment on appeal or dismissal order, unless the time for filing the application is extended in accordance with this rule." (emphasis added)).

DATED: Honolulu, Hawai'i, January 9, 2026. /s/ Sabrina S. McKenna /s/ Todd W. Eddins /s/ Lisa M. Ginoza /s/ Vladimir P. Devens /s/ Kauanoë A.D. Jackson 2