

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

Cadiz v. Cadiz

Cadiz · No. CAAP-25-0000430 · Decided January 2, 2026

SUMMARY

The Intermediate Court of Appeals of Hawai‘i dismissed the appeal after the self-represented appellants failed to file the statement of jurisdiction and opening brief by the applicable deadlines. The court ordered dismissal pursuant to Hawai‘i Rules of Appellate Procedure Rules 12.1(e) and 30.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawai‘i
WRITING FOR THE COURT	Karen T. Nakasone; Sonja M.P. McCullen; Kimberly T. Guidry
JURISDICTION	Intermediate Court of Appeals of the State of Hawai‘i
DECIDED	January 2, 2026
DOCKET	CAAP-25-0000430
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants appealed from proceedings in the Circuit Court of the Fifth Circuit. After the statement of jurisdiction and opening brief became due, the appellate clerk entered default, and the appellants failed to file either document or take further action. The Intermediate Court of Appeals dismissed the appeal.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Alex Cadiz, Ernesto Basconcillo, Leonila C. Basconcillo v. Leo Cadiz and Florencia Cadiz, as Co-Trustees of the Josue B. Cadiz and Leonarda V. Cadiz Revocable Living Trust Declaration Dated May 29, 1993, Ernesto Basconcillo, Leonila C. Basconcillo, Lea Cadiz, Leanne Cadiz, Lenny Cadiz, Lindsey Cadiz

TOPICS

- appellate procedure
- default
- civil procedure
- trust administration
- trusts

PRACTICE AREAS

- appellate procedure
- civil procedure
- trust administration

QUESTIONS PRESENTED

- 1. Whether the appeal should be dismissed after the appellants failed to file the required statement of jurisdiction and opening brief and failed to take further action after entry of default.

HOLDINGS

- 1. The appeal was dismissed because the appellants failed to file the statement of jurisdiction and opening brief and took no further action after default was entered.

KEY QUOTATIONS

“Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.” (2)

FACTUAL BACKGROUND

The appeal arose from litigation involving the Josue B. Cadiz and Leonarda V. Cadiz Revocable Living Trust. The appellants, who were self-represented, filed a notice of appeal but failed to file the required statement of jurisdiction and opening brief by the applicable deadlines. Although the court extended the deadline for the statement of jurisdiction, the appellants still filed neither required document and took no further action.

PROCEDURAL HISTORY

The appellants filed a notice of appeal on June 2, 2025, and the record on appeal was filed on July 29, 2025. The court granted an extension to file the statement of jurisdiction until October 7, 2025, but no extension was granted for the opening brief. After the appellants failed to file the required documents, the clerk entered default and warned that dismissal could follow. The appellants did not seek further relief or file the documents, so the court dismissed the appeal.

DISPOSITION

dismissed

OPINION

PER CURIAM.

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER
Electronically Filed Intermediate Court of Appeals CAAP-XX-XXXXXXX 02-JAN-2026 07:57
AM Dkt. 37 ODS NO. CAAP-XX-XXXXXXX IN THE INTERMEDIATE COURT OF
APPEALS OF THE STATE OF HAWAII LEO CADIZ and FLORENCIA CADIZ as Co-Trustees
of the JOSUE B. CADIZ AND LEONARDA V. CADIZ REVOCABLE LIVING TRUST
DECLARATION DATED MAY 29, 1993, Plaintiffs/Counterclaim Defendants-Appellees, v.
ALEX CADIZ, Defendant/Counterclaimant/ Third-Party Plaintiff-Appellant, and ERNESTO
BASCONCILLO, and LEONILA C. BASCONCILLO, Defendants/Counterclaimants/Third-Party
Plaintiffs-Appellees, and LEA CADIZ, LEANNE CADIZ, LENNY CADIZ and LINDSEY

CADIZ, Third-Party Defendants-Appellees, and JOHN DOES 1-5, JANE DOES 1-5, DOE CORPORATIONS 1-5, DOE PARTNERSHIPS 1-5, DOE CORPORATIONS 1-5 and DOE LIMITED LIABILITY COMPANIES 1-5, Defendants APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT (CASE NO. 5CCV-XX-XXXXXXX) ORDER DISMISSING APPEAL (By: Nakasone, Chief Judge, McCullen and Guidry, JJ.)

Upon review of the record, it appears that: (1) Self-represented Defendants-Appellants Alex Cadiz, Ernesto Basconcillo, and Leonila C. Basconcillo's (collectively, Appellants) filed the notice of appeal in this matter on June 2, 2025.

The record on appeal was filed on July 29, 2025. The statement of jurisdiction and opening brief were due, without extension, on August 8, 2025 and September 8, 2025, respectively. Hawai'i Rules of Appellate Procedure (HRAP) Rules 12.1(a), 28(b). NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER (2) On August 11, 2025, Appellants filed Alex Cadiz, Ernesto Basconcillo, and Leonila C. Basconcillo's Motion for Extension of Time to File Jurisdictional Statement and to Retain New Counsel, which requested an extension to November 6, 2025 to file the statement of jurisdiction, but did not request an extension of time to file the opening brief.

On September 19, 2025, the court granted an extension of time until October 7, 2025 to file the statement of jurisdiction. (3) On October 9, 2025, the appellate clerk entered a default of the statement of jurisdiction and opening brief, stating the time for filing the statement of jurisdiction expired on October 7, 2025; the time for filing the opening brief expired on September 8, 2025; the matter would be called to the court's attention on October 20, 2025 for action that could include dismissal, pursuant to HRAP Rules 12.1(e) and 30; and that Appellants could seek relief from default by motion.

(4) Appellants have failed to file the statement of jurisdiction and the opening brief, and have not taken any further action in this appeal. Therefore, IT IS HEREBY ORDERED that the appeal is dismissed. DATED: Honolulu, Hawai'i, January 2, 2026. /s/ Karen T. Nakasone Chief Judge /s/ Sonja M.P. McCullen Associate Judge /s/ Kimberly T. Guidry Associate Judge 2