

NO. CAAP-15-0000494

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

BRUCE EDWARD COX, Plaintiff-Appellant, v.
CARLYN DAVIDSON COX, Defendant-Appellee

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-D NO. 06-1-0096)

SUMMARY DISPOSITION ORDER

(By: Fujise, Presiding Judge, Leonard and Ginoza, JJ.)

Plaintiff-Appellant Bruce Edward Cox (**Husband**) appeals from the June 2, 2015 Order After Remand Hearing (**Order After Remand**) entered by the Family Court of the First Circuit (**Family Court**),¹ in which the Family Court declined to award Husband attorney's fees and costs pursuant to Rule 68 of the Hawai'i Family Court Rules (**HFCR**). As Husband argues, he timely filed an application for a writ of certiorari staying this court's April 15, 2015 Judgment on Appeal. See Hawai'i Rules of Appellate Procedure (**HRAP**) 41. Therefore, the Family Court lacked

¹ The Honorable Linda S. Martell presided.

jurisdiction to enter the Order After Remand, which must accordingly be vacated.

We note, however, that the Hawai'i Supreme Court's decision in Cox v. Cox, 138 Hawai'i 476, 483, 382 P.3d 288, 295 (2016), controls any further proceedings concerning Husband's request for attorney's fees and costs.

The Family Court's June 2, 2015 Order After Remand is vacated. This case is remanded to the Family Court.

DATED: Honolulu, Hawai'i, March 17, 2017.

On the briefs:

R. Steven Geshell,
for Plaintiff-Appellant.

Presiding Judge

Carlyn Davidson Cox,
Defendant-Appellee *Pro Se*.

Associate Judge

Associate Judge