

NO. CAAP-18-0000106

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

COCO PALMS HUI LLC, Plaintiff-Appellee,
v.
NOA MAU-ESPIRITO and CHARLES D. HEPA,
Defendants-Appellants,
and
KAIPOLANI MAU-ESPIRITO, also known as
KA-IPOLANI MAU ESPIRITO, Defendant

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT
(CASE NO. 5RC-17-1-0463)

SUMMARY DISPOSITION ORDER

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

Defendants-Appellants Noa K. Mau-Espirito and Charles D. Hepa (collectively, "Appellants")^{1/} appeal, *pro se*, from the Order Re: Ejectment and the Writ of Ejectment^{2/} ("Writ") entered by the District Court of the Fifth Circuit ("District Court")^{3/}

^{1/} Kaipolani Mau-Espirito, although a defendant in the case below, is not included and did not join in the notice of appeal, and therefore is not a party to this appeal.

^{2/} The Appellants state that they appeal from a Writ of Ejectment dated January 23, 2016. We understand Appellants to mean that they appeal from the Writ issued on January 26, 2018 by the District Court.

^{3/} The Honorable Michael K. Soong presided.

on January 26, 2018, in favor of Plaintiff-Appellee Coco Palms Hui LLC ("Coco Palms").

The Appellants' opening briefs fail to comply with Hawai'i Rules of Appellate Procedure ("HRAP") Rule 28 in numerous respects. Nevertheless, we have "consistently adhered to the policy of affording litigants the opportunity to have their case heard on the merits, where possible." *Marvin v. Pflueger*, 127 Hawai'i 490, 496, 280 P.3d 88, 94 (2012) (quoting *Morgan v. Planning Dep't, County of Kauai*, 104 Hawai'i 173, 180-81, 86 P.3d 982, 989-90 (2004)) (internal quotations marks omitted). Accordingly, we construe Appellants' singular point of error to be that the District Court lacked jurisdiction over this case because the Kingdom of Hawai'i is not a part of the United States. Appellants do not make any other discernible arguments. See *Kakinami v. Kakinami*, 127 Hawai'i 126, 144 n.16, 276 P.3d 695, 713 n.16 (2012) (citing *In re Guardianship of Carlsmith*, 113 Hawai'i 236, 246, 151 P.3d 717, 727 (2007) (noting that this court may disregard a contention where there is no discernible argument in support of it)).

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments they advance and the issues they raise, as well as the relevant statutory and case law, we address Appellants' point of error as follows and affirm.

"This court has repeatedly held that claims involving the applicability of the Kingdom of Hawai'i laws are without merit." *State ex rel. Dep't. of Hawaiian Home Lands v.*

Kawaʻauhau, No. CAAP-12-0000364, 2012 WL 5971176, at *1 (Haw. Ct. App. Nov. 29, 2012). "The sovereignty of the State and its lawful jurisdiction over the inhabitants of the State is a matter of law that is well-established." *State v. Kaluau*, No. 30460, 2011 WL 3805761, at *1 (Haw. Ct. App. Aug. 29, 2011) (citing *State v. Fergerstrom*, 106 Hawaiʻi 43, 55, 101 P.3d 652, 664 (App. 2004)).

Therefore, the Order Re: Ejection and the Writ of Ejectment entered on January 26, 2018, in the District Court of Fifth Circuit is affirmed.

DATED: Honolulu, Hawaiʻi, May 8, 2019.

On the briefs:

Noa K. Mau-Espirito and
Charles D. Hepa,
Pro Se Defendants-Appellants.

Presiding Judge

Wayne P. Nasser and
Benjamin M. Creps,
(Ashford & Wriston, LLLP)
for Plaintiff-Appellee.

Associate Judge

Associate Judge