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Intermediate Court of Appeals
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NO. CAAP-23-0000018

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

ASSOCIATION OF APARTMENT OWNERS OF MOKULEIA SURF,
by and through its Board of Directors,
Plaintiff/Counterclaim Defendant-Appellee,

v.

MILICA BARJAKTAROVIC,
Defendant/Counterclaimant-Appellant

and

DOE DEFENDANTS 1-50, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-20-0000850)

ORDER

(By: Hiraoka, Presiding Judge, and Wadsworth and Guidry, JJ.)

Upon consideration of self-represented Defendant/Counterclaimant-Appellant Milica Barjaktarovic's (**Appellant**) (1) July 8, 2025 "Complaint to Commission on Judicial Conduct and Petition for Writ of Mandamus to Supreme Court" (**Complaint and Petition**); (2) July 8, 2025 "Motion to Expedite Pending Motions and Disqualify Judges Hiraoka, Wadsworth and Guidry" (**Motion to Expedite and Disqualify**); (3) July 22, 2025 "Motion to Recuse Judges Hiraoka, Wadsworth, Guidry, Leonard, Gi[n]oza, Nakasone, Ahsford [sic], Cataldo, Tonaki, Souza, Holma, [et c]" (**Motion to Recuse**); and (4) August 26, 2025 "Motion to Vacate Order to Deny Appeal (Dkt#473 issued on June 30, 2025)" (**Motion to Vacate**); the papers in support, and the record, we resolve the motions and other matters as follows:

1. The Complaint and Petition appears to be directed to the Commission on Judicial Conduct and the Hawai'i Supreme Court. This court lacks jurisdiction over the requests made in the Complaint and Petition, which is therefore dismissed.

2. The Motion to Expedite and Disqualify seeks to disqualify ICA Judges Keith K. Hiraoka, Clyde J. Wadsworth, and Kimberly T. Guidry for various asserted reasons. Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 5(c) states:

The motion [to disqualify or recuse an appellate judge or justice] shall concisely state the facts, reasons, and authority for the requested relief, and shall be supported by a declaration or affidavit, and any pertinent exhibits, establishing the asserted facts. The filing party shall, in the same or a separate declaration or affidavit, also declare or aver that the motion is made in good faith and not for purposes of delay.

Here, the declaration accompanying the motion does not comply with the requirements of HRAP Rule 5(c). Because the motion is procedurally defective as to the request to disqualify, the court suspends the requirements of HRAP Rule 5(d) to appoint substitute judges to resolve the motion, see HRAP Rule 2, and dismisses the request to disqualify Judges Hiraoka, Wadsworth, and Guidry.

3. The Motion to Expedite and Disqualify also appears to seek "to expedite pending motions." It is not clear what motions Appellant seeks to expedite. All pending motions before this court were resolved in the Summary Disposition Order entered on June 30, 2025. To the extent Appellant seeks to expedite motions pending in the Circuit Court of the First Circuit, this court lacks jurisdiction over Appellant's request, which is therefore dismissed.

4. The Motion to Recuse seeks to disqualify ICA judges Karen T. Nakasone, Katherine G. Leonard, Keith K. Hiraoka, Clyde J. Wadsworth, and Kimberly T. Guidry; the Honorable Lisa M. Ginoza, formerly Chief Judge of the ICA and currently Associate Justice of the Hawai'i Supreme Court; and the Honorable James H. Ashford, Lisa W. Cataldo, John M. Tonaki, Kevin A. Souza, and Karin L. Holma of the Circuit Court of the First Circuit. The Motion to Recuse is procedurally defective in that, among other reasons, the declaration accompanying the motion does not comply with the requirements of HRAP Rule 5(c). See supra. Because of

these procedural defects, the court suspends the requirements of HRAP Rule 5(d) to appoint substitute judges to resolve the motion, see HRAP Rule 2, and dismisses the request to disqualify the identified judges and justice.

5. The Motion to Vacate appears to be directed to the Hawai'i Supreme Court. To the extent that it is, this court lacks jurisdiction over the requests made in the motion, which is therefore dismissed. To the extent that the Motion to Vacate is intended to be a motion to this court for reconsideration of the June 30, 2025 Summary Disposition Order, the motion is denied as untimely. See HRAP Rule 40(a).

Therefore, IT IS HEREBY ORDERED that the Complaint and Petition, the Motion to Expedite and Disqualify, the Motion to Recuse, and the Motion to Vacate are dismissed.

DATED: Honolulu, Hawai'i, September 4, 2025.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge