

**Electronically Filed
Intermediate Court of Appeals
CAAP-24-0000476
28-APR-2026
08:19 AM
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NO. CAAP-24-0000476

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

NAVATEK CAPITAL INC., individually and derivatively
on behalf of Nominal Defendant PACMAR TECHNOLOGIES LLC, fka
MARTIN DEFENSE GROUP, LLC, fka NAVATEK LLC, Plaintiff-Appellee,
v.

MARTIN KAO, Defendant/Crossclaim Defendant-Appellant,
and

JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-5;
DOE CORPORATIONS 1-10; DOE ENTITIES 1-10;
and DOE GOVERNMENTAL UNITS 1-10, Defendants,
and

PACMAR TECHNOLOGIES LLC, fka MARTIN DEFENSE GROUP, LLC,
fka NAVATEK LLC, Nominal Defendant/Crossclaimant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CCV-20-0001511)

SUMMARY DISPOSITION ORDER

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

Martin **Kao** appeals from the *Findings of Fact, Conclusions of Law, and Order Granting Nominal Defendant PacMar Technologies LLC's Motion for Civil Contempt Sanctions Against Defendant Kao for Knowingly Violating this Court's Contempt Order (Sanction Order)*, entered by the Circuit Court of the First Circuit¹ on June 14, 2024.² We affirm.

Kao, Martin Defense Group, LLC (**MDG**), and **Navatek** Capital Inc. arbitrated a dispute. The arbitrator made a net

¹ The Honorable Gary W.B. Chang presided.

² We dismissed Kao's appeal from six other post-judgment orders for lack of jurisdiction.

award of \$6,125,781.80 for MDG and Navatek against Kao. The Circuit Court confirmed the award. The **Final Judgment Confirming Arbitration Award** was entered on April 28, 2022. Kao appealed, but did not post a supersedeas bond. MDG changed its name to **PacMar** Technologies LLC and began to execute on the Final Judgment.³

The Circuit Court ordered Kao to "immediately" pay rental income he received from a garnishee, Michelle **Chapman**, to PacMar (**Disgorgement Order**). Kao did not comply.

The Circuit Court held Kao in contempt and ordered him to pay PacMar \$32,400 in rent received from Chapman, plus \$15,000 in sanctions, within five business days (**Contempt Order**). Kao did not comply.

PacMar moved for civil contempt sanctions. The Circuit Court granted the motion. The June 14, 2024 Sanction Order required that Kao disgorge the \$32,400 in rent payments, pay the \$15,000 in sanctions, and pay \$9,766.49 for PacMar's attorney fees and costs. Kao was also ordered to pay the circuit court clerk a fine of \$200 per day "until the entire amount owed under this Order is paid in full." This appeal followed.

Kao's opening brief challenges the Disgorgement Order and the Contempt Order. On May 8, 2025, this court dismissed Kao's appeal as to those orders because Kao did not file notices of appeal from those final post-judgment orders within the time required by Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1). Kao's failure to comply with those orders formed the basis for the Sanction Order. Kao's opening brief contains no separate argument that the Circuit erred by entering the Sanction Order. His point of error "C" is waived. See HRAP Rule 28(b)(7) ("Points not argued may be deemed waived.").

The June 14, 2024 *Findings of Fact, Conclusions of Law, and Order Granting Nominal Defendant PacMar Technologies LLC's*

³ This court vacated the Final Judgment in Navatek Cap. Inc. v. Kao, No. CAAP-22-0000364, 2025 WL 2157693 (Haw. App. July 29, 2025) (SDO), cert. accepted, SCWC-22-0000364, 2025 WL 3723313 (Haw. Dec. 23, 2025). The Sanction Order arose from post-judgment collection proceedings before the Final Judgment was vacated.

Motion for Civil Contempt Sanctions Against Defendant Kao for Knowingly Violating this Court's Contempt Order is affirmed.

DATED: Honolulu, Hawai'i, April 28, 2026.

On the briefs:

Keith M. Kiuchi,
for Defendant/Crossclaim
Defendant-Appellant
Martin Kao.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

David M. Louie,
Jesse W. Schiel,
Nicholas R. Monlux,
for Plaintiff-Appellee
Navatek Capital Inc.

/s/ Kimberly T. Guidry
Associate Judge

David M. Louie,
Jesse W. Schiel,
Nicholas R. Monlux,
for Nominal Defendant/
Crossclaimant-Appellee
Pacmar Technologies LLC.