

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-24-0000532

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

DANNY NG, Plaintiff/Counterclaim Defendant-Appellee, v.
MIYOKO MIZUNO, Defendant/Counterclaimant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CASE NO. 1DRC-23-0006471)

SUMMARY DISPOSITION ORDER

(By: Nakasone, Chief Judge, Wadsworth and Gluck, JJ.)

Self-represented Defendant-Appellant Miyoko Mizuno (**Mizuno**) filed an August 2, 2024 notice of appeal from the District Court of the First Circuit, Honolulu Division (**District Court**) in case number 1DRC-23-0006471.¹ The notice of appeal followed a July 18, 2024 court proceeding in which Mizuno and Plaintiff-Appellee Danny Ng (**Ng**) agreed to a settlement, on the record, in which all parties agreed to dismiss their claims against one another and \$2,500.00 in a rent trust fund would be released to Ng. Following this court's orders temporarily remanding this matter to the District Court for entry of an

¹ The Honorable Erika Ireland presided.

appealable order, the District Court entered an Order of Dismissal with Prejudice on October 21, 2025.

Following various motions on appeal and an order cautioning Mizuno regarding compliance with the Hawai'i Rules of Appellate Procedure (**HRAP**), Mizuno filed an Amended Opening Brief (**AOB**) (with leave of court) on December 9, 2025. Mizuno's AOB states that she appeals from the following:

1. The January 22, 2024, Order denying submission of Appellant's exhibits and witness list.
2. The Final Judgment entered around July 18, 2024, awarding \$5,000 to Appellee Ng, which Appellant asserts did not reflect the court's oral statements.

(Bold formatting omitted.) The AOB further asserts the following points of error:

1. Error in denying Appellant's exhibit books and documentary evidence.
2. Error in denying Appellant's witness list and testimony.
3. Written judgment did not match oral statements made on July 11, 2024.
4. Reliance on disputed Invoice (Dkt. #89), unsupported by evidence.
5. Failure to consider Appellant's allegations regarding removal, handling, loss, and value of property.
6. Failure to consider Appellant's timely pre-hearing submissions.
7. Denial of motions without addressing substance of issues raised.

The "Argument" section for the AOB repeats these seven points of error, but merely states "(Approved text.)" under each point of error. It is unclear what this means.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised, we affirm the District Court's October 21, 2025 Order of Dismissal with Prejudice.

Mizuno appears to challenge two categories of items: (A) the settlement agreement itself (item #2 in the first block quote above and point of error #3), and (B) previous orders of the District Court (item #1 in the first block quote above and points of error 1-2 and 4-7). Each is addressed in turn.

(A) The Settlement Agreement. In her amended Reply Brief, Mizuno argues that "the record does not establish a knowing and voluntary settlement" and that she "did not understand that she was surrendering every claim concerning the removal and loss of her property." (Formatting altered.) However, Mizuno did not raise any argument regarding the voluntariness (or lack thereof) of her assent to settlement in her AOB, and that argument is waived. See Campos v. Plan. Comm'n, 153 Hawai'i 386, 404, 539 P.3d 170, 188 (App. 2023) ("Points raised for the first time in a reply brief are deemed waived." (citing Hawai'i Ventures, LLC v. Otaka, Inc., 114 Hawai'i 438, 472 n.17, 164 P.3d 696, 730 n.17 (2007))).

In her AOB – reading Mizuno's pleading liberally – Mizuno seems to argue that the settlement agreement was inaccurate: (1) she purports to appeal a January 22, 2024 ruling, arguing that "[t]he Final Judgment entered around July 18, 2024, awarding \$5,000 to Appellee Ng, . . . did not reflect the court's oral statements," and (2) point of error #3 states that the "[w]ritten judgment did not match oral statements made on July 11, 2024." But Mizuno has not pointed to anything in the record to suggest that the District Court awarded \$5,000 to Ng; instead, the transcript of the July 18, 2024 proceeding reflects that \$2,500.00 in a rent trust fund would be released to Ng. There is no mention of \$5,000.00, and there is no indication as to where, if ever, she brought this issue to the attention of the District Court. See HRAP Rule 28(b)(4)(iii) (eff. 2022) (requiring appellant to identify "where in the record the alleged error was objected to or the manner in which

the alleged error was brought to the attention of the court or agency"); HRAP Rule 28(b)(4) ("Points not presented in accordance with this section will be disregarded[.]"). In short, she has not demonstrated any basis on which to overturn the settlement agreement.

(B) Mizuno's Remaining Arguments. Mizuno's remaining points of error are directed at District Court rulings that preceded the settlement agreement. "As a general rule, a properly executed settlement precludes future litigation for its parties." Amantiad v. Odum, 90 Hawai'i 152, 161, 977 P.2d 160, 169 (1999)) (citing AIG Hawaii Ins. Co. v. Bateman, 82 Hawai'i 453, 458-59, 923 P.2d 395, 400-01 (1996)). Mizuno's apparent attempt to appeal the District Court's oral order from January 22, 2024 (the first appealed-from order, regarding exhibits and witness lists), along with her points of error 1-2 and 4-7, all fail because Mizuno agreed to dismiss all her claims with prejudice.

Therefore, we affirm the District Court's October 21, 2025 Order of Dismissal with Prejudice. Mizuno's August 31, 2026 Motion for Retention of Oral Argument is denied.

DATED: Honolulu, Hawai'i, September 16, 2026.

On the briefs:

Miyoko Mizuno,
Self-represented
Defendant/Counterclaimant-
Appellant.

/s/ Karen T. Nakasone
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

James H.Q. Lee
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Sofia Hirosane McGuire
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Lee, Wong & Ching)
for Plaintiff/Counterclaim
Defendant-Appellee.

/s/ Daniel M. Gluck
Associate Judge