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NO. CAAP-24-0000831

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

Z.N., Plaintiff-Appellee,
v.
M.N., Defendant-Appellant.

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(CASE NO. 1DV161001290)

SUMMARY DISPOSITION ORDER

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

Self-represented Defendant-Appellant M.N. (**Husband**)
appeals from the Family Court of the First Circuit's October 21,
2024 "Decree Granting Absolute Divorce and Awarding Child
Custody" (**Divorce Decree**).¹ (Formatting altered.)

On appeal, Husband raises eleven points of error (**POE**)
and nine arguments (**Arguments A-I**). However, as self-
represented Plaintiff-Appellee Z.N. (**Wife**) points out, Husband's
POE, presented in their entirety below, fail to comply with
Hawaii Rules of Appellate Procedure (**HRAP**) Rule 28(b)(4):

¹ The Honorable Robert J. Brown presided.

1. Misclassification of Trust Assets.
2. Erroneous Income Determination.
3. Disregard for Judge Browning's Probate Order.
4. Irreconcilable Conflicts in the Record.
5. Judicial Bias and Failure to Disclose Relationships Timely.
6. Misconduct, Perjury, and Discovery Interference by [Wife]'s Counsel.
7. Unconstitutional and Excessive Punitive Enforcement Measures, including Judge Murakami's Order and Judge Natasha Shaw's Revocation Order.
8. Improper Revocation of Essential Personal Documents.
9. Adverse Impact on the Best Interests of the Children.
10. [Husband]'s Pattern of Compliance and Good Faith Efforts.
11. Erroneous Treatment of the Trust Assets and Family Court Jurisdiction.

(Formatting altered.)

Husband's POE do not cite to where in the record the alleged errors occurred, or where in the record he objected to or brought the alleged errors to the family court's attention. See HRAP Rule 28(b)(4). The underlying record in this case contains 1,135 dockets, and we are "not obligated to sift through the voluminous record to verify an appellant's inadequately documented contentions." Hawaii Ventures, LLC v. Otaka, Inc., 114 Hawai'i 438, 480, 164 P.3d 696, 738 (2007) (quoting Lanai Co. v. Land Use Comm'n, 105 Hawai'i 296, 309 n.31, 97 P.3d 372, 385 n.31 (2004)).

We note Husband untimely requested four transcripts for proceedings on April 8, 2024; April 9, 2024; April 15, 2024; and April 16, 2024. The court reporter informed Husband that no transcripts would be produced, because the request was untimely and Husband did not respond to the court reporter's request for a deposit. See State v. Hoang, 93 Hawai'i 333, 336, 3 P.3d 499, 502 (2000) ("Without the relevant transcript, there is insufficient evidence to review the alleged error, and [the appellant] carries the burden of demonstrating the alleged error in the record." (emphasis omitted)).

We also note that Husband does not expressly challenge any of the family court's findings of fact or conclusions of law. See HRAP Rule 28(b)(4)(C) (requiring an appellant to include "either a quotation of the finding or conclusion urged as error or reference to appended findings and conclusions" when the appellant's "point [of error] involves a finding or conclusion of the court or agency"); Okada Trucking Co. v. Bd. of Water Supply, 97 Hawai'i 450, 458, 40 P.3d 73, 81 (2002) (explaining findings of fact "not challenged on appeal are binding on the appellate court").

We nonetheless endeavor to address Husband's nine arguments, Arguments A-I, to the extent we can discern. See MM v. BD, 144 Hawai'i 387, 442 P.3d 450, Nos. CAAP-16-0000596 and CAAP-17-0000106, 2019 WL 2295492, at *1 n.3 (App. May 30, 2019)

(SDO). We consider Husband's arguments with the above-referenced principles in mind.

Upon careful review of the record and the briefs submitted by the parties, and having given due consideration to the issues raised and the arguments advanced, we resolve this appeal as discussed below and affirm.

Based on the uncontested findings, Wife and Husband were married in 2007 and have two children. In 2016, Wife filed a complaint for divorce. Wife and Husband "engaged in nearly eight (8) years of pre-trial litigation in their divorce case."

Trial was held on April 8, 9, 15, 16, and May 28, 2024. The family court found Wife to be "a **credible** witness."

The family court found Husband was "**generally not a credible** witness," and Husband's "testimony regarding his finances, financial history, and capacity to financially provide for the Children and satisfy his Court-ordered obligations was **not credible**." The family court "specifically **reject[ed]** [Husband]'s testimony pertaining to his finances, financial history, [a cryptocurrency company Husband directed], and [his] capacity to financially provide for the Children and satisfy his Court-ordered obligations." "Much of [Husband]'s conduct in this litigation has been abhorrent, particularly with regard to his discovery abuses and other bad-faith litigation tactics."

The family court found, "Due to [Husband]'s failure to satisfy his Court-ordered financial obligations, [Wife] was forced to sell 1909 Ala Wai," a property she purchased after graduating from the University of Hawai'i.

Following the trial, the family court entered the Divorce Decree. Husband appealed.

(1) First, in Arguments A and F, Husband appears to argue that assets in two trusts, referred to as the **MN Trust** and the **JN Trust**, were separate property and "not subject to division in this divorce proceeding."

HRAP Rule 28(b)(7) requires the opening brief to contain an argument with "the contentions of the appellant on the points presented and the reasons therefor, with citations to the authorities, statutes and parts of the record relied on."

Husband provides the following quotation to support his argument that the MN Trust assets were separate property:

"All assets held within the [MN] Trust, including the 2015 Mercedes-Benz and both Charles Schwab [MN] Irrevocable Trust accounts, are hereby determined to be the separate property of [Husband] and shall remain solely his.' (RA-FC DKT 851 DO, p. 74, line 6)."

(Formatting altered.) But Docket 851, page 74 contains no such language.

As to both trusts, Husband provides another quotation to support his argument:

"'Any claims or disputes regarding the [MN] Trust or the [JN] Trust are beyond the purview of the Family Court and must be resolved in the appropriate probate jurisdiction.' (RA-FC DKT No, 780, [Husband]'s Exhibit T)."

{Formatting altered.} Docket 780 contains the minutes from a hearing held on April 16, 2024. Although the minutes reflect that Husband's Exhibit T was entered into evidence, the minutes do not reflect the language Husband quotes.

Husband provides other quotations but no citations. Thus, Husband does not present a discernible argument for this court to consider.

Husband's argument also refers to "Judge Browning's Probate Order dated October 16, 2019" for the proposition that the assets in the trusts are not subject to division, but he does not provide a citation. At the end of his opening brief, Husband provides a citation for "Judge Browning's Probate Order" as "(RA-FC, DKT 779, Exhibit 75, p.1-3)," but Docket 779 contains the court minutes from a hearing on April 15, 2024. (Some formatting altered.) According to those minutes, Wife's Exhibit 75 was admitted into evidence. Exhibit 75 is an "Order Granting-in-Part the Petition for Confirmation of Trustees"

Legal Ownership of [Hawai'i] Real Property." (Formatting altered.)

According to Exhibit 75, the probate court ordered that the trustees of the JN Trust were the sole legal owners of the trust property, but that Husband's share of any sale proceeds was to be held until the family court matter was resolved:

IT IS HEREBY ORDERED THAT:

1. The Petition for Confirmation of Trustees' Legal Ownership of [Hawai'i] Real Property is hereby granted-in-part[.]
2. The Trustees of the [JN] Trust are the sole legal owners of the [Hawai'i] Property.
3. The Trustees shall hold [Husband]'s share of the proceeds from any sale of the [Hawai'i] Property until the [Hawai'i] Family Court Matter is resolved.
4. Any other claims relating to the enforcement of the Trust, the administration of the Trust, and any Trust assets shall be brought in the Santa Clara County Superior Court, Probate Division.

(Emphasis added.)

Thus, this order does not stand for the proposition that the trusts' assets were not divisible.

(2) In Argument B, Husband argues that Wife's "American Savings Bank ledger irrefutably demonstrates deposits totaling \$258,356.96 over a 14-month period . . . directly contradicting her false sworn Asset and Debt Statement declaring a \$0.00 balance." Husband then cites to "(RA-FC, DKT 1050, pp.

20-57)." Docket 1050 is a "Notice of Electronic Filing" and provides no substantive information.

As Exhibit A to his opening brief, Husband provides copies of processed checks and statements from American Savings Bank. It appears these documents were provided by American Savings Bank on March 5, 2025, in response to a subpoena duces tecum served on February 28, 2025, approximately nine months after this case was tried. At the end of his opening brief, Husband cites, "Exhibit A (RA-FC, Subpoenaed records DKT 947): [Wife]'s American Savings Bank Ledger (pp. 20-57)." (Some formatting altered.) However, Docket 947 is the two-page subpoena duces tecum filed on February 27 and served on February 28, 2025 – not the documents from American Savings Bank.

This court's review is confined to the record on appeal. See Hawai'i Revised Statutes (**HRS**) § 641-2(b) (2016) ("Every appeal shall be taken on the record, and no new evidence shall be introduced in the supreme court."). "Anything that is not part of the record shall not be appended to the [opening] brief, except as provided in this Rule." HRAP Rule 28(b)(10). Husband has not shown that the documents in Exhibit A appended to his opening brief are part of the record.

(3) In Arguments C and E, Husband alleges "Misconduct, Perjury, and Discovery Interference by [Wife]'s Counsel" and sets forth the definition and consequences of perjury. (Formatting altered.)

The only citation to the record Husband provides is "(RA-FC, DKT 779, Exhibit 7)." (Formatting altered.) Docket 779 contains the minutes from a hearing held on April 15, 2024. Nothing in the minutes for this hearing supports Husband's allegations. Instead, the minutes reflect that discussions regarding case status, whether Husband should be sanctioned for being late to court, and a subpoena to "ASB" were held; testimony was taken; and exhibits were received into evidence. And no transcript of the April 15, 2024 hearing is available for this court to review.

Husband, therefore, provides no discernible argument for this court to review.

(4) In Argument D, Husband asserts that Judge Brown was biased and failed to timely disclose his relationship with Wife's attorney, John Schmidtke, and Schmidtke's son. Husband points to Exhibit B of his opening brief, which is a copy of a partial transcript for proceedings held on April 8, 2024, related to Husband's request that Judge Brown recuse himself.

As mentioned above, this court is confined to review the record on appeal. See HRS § 641-2(b); HRAP Rule 28(b)(10).

Under HRAP Rule 10(a), the record on appeal "consist[s] of the trial court . . . record, as set out in Rule 4 of the Hawai'i Court Records Rules [(HCRR)]." HCRR Rule 4 provides, in part, that the record shall include "court reporters' notes, audio or video recordings of court proceedings, and any transcripts prepared from them[.]"

HRAP Rule 10(b) governs the preparation of transcripts. "Unless the requestor is exempt from the transcript payment or deposit requirement or the reporter has waived such requirement, a reporter need not commence preparation of the transcript until the required deposit or transcript prepayment has been made to the court reporter." HRAP Rule 10(b)(1)(C). "Upon completion of each transcript and receipt of payment, the court reporter shall file the transcript through [the Judiciary Electronic Filing and Service System (JEFS)] or [the Judiciary Information Management System (JIMS)], designate the document as the 'Transcript of proceedings held on <date>' and enter the date of the transcribed proceeding in the Notes field for the corresponding JEFS or JIMS docket entry." HRAP Rule 10(b)(1)(G).

Again, "[a]nything that is not part of the record shall not be appended to the [opening] brief, except as provided in this Rule." HRAP Rule 28(b)(10).

Husband does not point to where in the record the court reporter filed the transcripts reflected in his Exhibit B in JEFS or JIMS. Exhibit B is only a partial transcript of the April 8, 2024 proceedings. And Wife states in her answering brief that she "cannot accept the veracity of the alleged partial transcript [Husband] filed as Exhibit B." See Doe v. Doe, 138 Hawai'i 142, 377 P.3d 1060, Nos. CAAP-14-0000741, CAAP-14-0001307, and CAAP-15-0000525, 2016 WL 3599924, at *3 n.4 (App. June 30, 2016) (SDO) ("When an appellant attaches a transcript to the opening brief and fails to include it in the record on appeal, we disregard the transcript, as it is not part of the record.").

Thus, we do not consider the transcripts appended to Husband's opening brief. See id. Without a transcript in the record, "we have no basis upon which to review" the family court's denial of Husband's request that Judge Brown recuse himself. See Bettencourt v. Bettencourt, 80 Hawai'i 225, 231, 909 P.2d 553, 559 (1995).

(5) Argument G simply asks this court for "Reversal and Remand," sanctions, and other relief. (Formatting altered.) There is no argument to review.

(6) Argument H, in its entirety, is as follows:

The punitive measures imposed against [Husband] severely undermine his ability to provide stability and security for his children. The revocation of his Driver's License and U.S. Passport critically affects his employment, mobility, and custody arrangements. The best interests of the

children require that Appellant remain unencumbered by such punitive sanctions.

See *Doe v. Doe*, 120 Haw. 149, 202 P3d 610, 623 (2009);
Nakamoto v. Nakamoto, 100 Haw. 408, 60 P3d 798, 806 (2002).

(Emphasis omitted.) Husband's argument provides no citation to the record. At the end of Husband's opening brief, Husband cites to "Judge Natasha Shaw's Revocation Order of [Husband]'s Hawai'i Driver's License and U.S. Passport, including conditional payment language" at "(RA-FC DKT 990 Order)." (Emphasis omitted.)

Docket 990 is the family court's "Order Re Motion for Post-Decree Relief (DKT. 874)." (Formatting altered.) Wife moved for an order requiring Husband to, among other things, comply with certain court-ordered obligations and surrender his driver's license and all passports until he was current with child support. The family court found that Husband admitted he did not comply with the court's orders. The family court then held Husband in civil contempt and granted Wife's request that Husband surrender his passports, but denied Wife's request that Husband surrender his driver's license.

Docket 1000 is the family court's "Order Re Compliance Hearing." (Formatting altered.) Following a compliance hearing, the family court found, among other things, that Husband did not comply with its previous orders. The family court entered new orders, including an order that Husband surrender his driver's license. The family court then entered a

judgment in favor of Wife and against Husband for \$95,025.75. Husband filed a motion for reconsideration, which the family court denied.

Docket 1089, which was entered after Husband submitted his opening brief, is the family court's "Order Regarding [Wife]'s 'Motion and Declaration for Post-Decree Relief,' Filed on July 2, 2025 (DKT. 1065)." (Formatting altered.) In this order, the family court vacated its previous orders requiring Husband to surrender his driver's license and passports, "pending compliance with the Orders herein." Thus, this issue is moot.

(7) Finally, Argument I, in its entirety, is as follows: "[Husband] has consistently complied with all court orders and provided exhaustive financial disclosures. The record starkly contrasts with the repeated misconduct, misrepresentations, and deliberate discovery interference conducted by [Wife]'s counsel." See Kienker v. Bauer, 110 Hawai'i 97, 104 n.12, 129 P.3d 1125, 1132 n.12 (2006) ("This argument consists of one paragraph and neither cites law nor contains cites to the record. The appellate courts are not obligated to search the record to crystallize the parties' arguments. Accordingly, this argument is not considered."

(citation omitted)). Husband provides no citations to the record; we therefore do not consider this argument.

Based on the foregoing, we affirm the family court's October 21, 2024 Divorce Decree.

DATED: Honolulu, Hawai'i, September 21, 2026.

On the briefs:	/s/ Katherine G. Leonard Presiding Judge
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M.N., Self-represented Defendant-Appellant.	/s/ Sonja M.P. McCullen Associate Judge
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Z.N., Self-represented Plaintiff-Appellee.	/s/ Kimberly T. Guidry Associate Judge
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