

Electronically Filed
Intermediate Court of Appeals
CAAP-25-0000439
13-OCT-2026
07:55 AM
Dkt. 75 SO

NO. CAAP-25-0000439

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CELIA CHENG, Petitioner-Appellee, v.
JUSTIN STOLER, Respondent-Appellant.

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(CASE NO. 1FDA-25-0000570)

SUMMARY DISPOSITION ORDER

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

Respondent-Appellant Justin Stoler (**Stoler**) appeals from the May 12, 2025 Order For Protection (**OFP**) entered by the Family Court of the First Circuit in favor of Petitioner-Appellee Petitioner-Appellee Celia Cheng (**Cheng**).^{1/} Following an evidentiary hearing, the Family Court found that the OFP was necessary to prevent domestic abuse or a recurrence of abuse, and enjoined Stoler from, among other things, threatening, physically abusing, or psychologically abusing Cheng for a period of five years. Stoler also challenges certain aspects of the Family Court's Findings of Fact and Conclusions of Law (**FOFs/COLs**), entered on September 2, 2025.

On appeal, Stoler contends that the Family Court erred in concluding that: (1) Stoler engaged in an intentional or knowing course of conduct directed at Cheng that seriously

^{1/} The Honorable Michelle K. Moorhead presided.

alarmed and disturbed her (COL 28); (2) Stoler's course of conduct would cause a reasonable person to suffer extreme emotional distress (COL 29); (3) Cheng was subjected to extreme psychological abuse and Stoler committed domestic abuse (COLs 30-31); (4) Cheng, in her Petition for an Order of Protection (**Petition**), listed three specific allegations of abuse with dates and unspecified allegations without dates (FOFs 4-5); (5) 23 emails sent by Stoler to Cheng constituted "stalking and abnormal behavior, and domestic abuse" (FOFs 35-36); and (6) Cheng met her burden of proof that Stoler subjected her to extreme emotional abuse, and established he committed domestic abuse (COLs 30-31).

After reviewing the record on appeal and the relevant legal authorities, and giving due consideration to the issues raised and the arguments advanced by the parties, we resolve Stoler's contentions as follows, and affirm.

I. Background

On March 14, 2025, Cheng filed the Petition pursuant to Hawaii Revised Statutes (**HRS**) chapter 586. The Petition stated that Cheng and Stoler had been in a dating relationship from April to September 2024, at which time Cheng ended the relationship. Cheng then ceased all contact with Stoler and blocked him on her phone and on social media. The Petition described, among other things, the following alleged incidents of abuse by Stoler: (1) on March 10, 2025, Stoler peered through the windows of Cheng's workplace unannounced, causing her "immediate, extreme anxiety and distress"; (2) on March 12, 2025, Stoler a) went to lunch where he knows Cheng eats lunch every Wednesday and asked restaurant staff about her, b) went to Cheng's work studio, c) went to Cheng's friend's office and asked about Cheng, and d) went to the florist next to Cheng's studio; and (3) on March 13, 2025, Stoler called Cheng's work associate twice and emailed her asking about Cheng and their work. The Petition also alleged that Stoler "has used an alternate phone number attempting to reach me through my business contact[, and] has contacted my family with false information, attempting to

damage my reputation." The Family Court issued the Temporary Restraining Order (**TRO**) on March 14, 2025.

The Family Court held hearings on the Petition on April 23 and May 12, 2025. Both Cheng and Stoler testified. Following the presentation of evidence on May 12, 2025, the Family Court granted the Petition and entered the OFP.

On September 2, 2025, the Family Court entered the FOFs/COLs. The following summary of the court's findings are drawn from the unchallenged FOFs,^{2/} unless otherwise noted:

Cheng and Stoler first met in 2000 as coworkers at Deutsche Bank in New York City. They fell out of touch and had no contact between 2006 and 2024, except in 2020, when Stoler asked Cheng to facilitate Stoler's contact with Cheng's sister in order to invite her to participate in a wine course taught by Stoler.

Stoler attended a conference in April 2024 in Honolulu, and reached out to Cheng prior to see if she wanted to reconnect. Cheng and Stoler met four to five times while Stoler was in Honolulu. Cheng testified that after that, she and Stoler had a four-month-long dating relationship that she ended in September 2024 "due to [Stoler] showing abusive behavior." The week before they broke up, "[Cheng] asked for space from [Stoler] and [he] did not respect her wishes." On August 25, 2024, within 24 hours of being asked for space, Stoler emailed Cheng, saying that waiting felt "intolerable."

On August 27, 2024, Stoler emailed Cheng 23 times between 9:18 a.m. and 9:24 a.m. EST. Stoler testified that these emails were inspired by "Love Lines," an art installation that he and Cheng had viewed at the Guggenheim museum in August 2024. Each email included a subject line without text in the email body.^{3/}

^{2/} Unchallenged findings of fact are binding on appeal. In re Doe, 99 Hawai'i 522, 538, 57 P.3d 447, 463 (2002) (quoting Poe v. Haw. Labor Rels. Bd., 97 Hawai'i 528, 536, 40 P.3d 930, 938 (2002)).

^{3/} FOFs 35 and 36 summarize Stoler's testimony about the emails and set out their subject lines. Stoler does not dispute that he sent the emails
(continued...)

Stoler acknowledged later on August 27 via email that he had violated Cheng's request for space. In response, Cheng instructed Stoler not to contact her by phone or text and that she would like a week to herself before further contact.

Stoler emailed Cheng the next day with a message that stated in part with bold text that "[r]esolving relationship conflict is a shared responsibility, but **you are putting your needs way above mine.**" Stoler emailed Cheng again on August 31 wishing her a successful block party and that he was thinking of her.

Cheng ended her relationship with Stoler on September 2, 2024. After that, Cheng blocked Stoler on her cell phone; she did not respond to any of Stoler's communications from September 2024 on.

Stoler emailed Cheng on September 10, 2024. He sent Cheng three "heartfelt essays" on September 15. Following their breakup, Stoler texted, emailed, and called Cheng's social circle and asked for information about Cheng, including Cheng's business associate on September 9 and Cheng's sister on September 16.

Also in September 2024, Stoler scheduled an on-line appointment with Cheng's hypnotist under a false name. During the appointment, Stoler revealed his true identity and began asking for information about Cheng.

On December 31, 2024, Stoler contacted Cheng on her Google Voice phone number with a message that included the statement "you are loved" and a photo of a hibiscus flower.

Stoler attended a business trip in Honolulu between March 10 and 17, 2025. One week before the trip, on March 3, Stoler mailed Cheng a card via USPS priority mail. Cheng did not open the card and returned it to sender. Stoler testified that he discussed the strategy of sending the card with conflict resolution experts "to make sure the card wasn't going to raise any alarms and it wasn't going to create any problems."

^{3/} (...continued)
- just the Family Court's purported conclusion that the emails constituted "stalking and abnormal behavior, and domestic abuse."

On March 10, 2025, the evening he arrived in Honolulu, Stoler went to Cheng's workplace and peered through the window without Cheng's invitation. Stoler also slipped a card under Cheng's workplace door, stating in part that he was in town that week for work and "wanted to see if [he] could treat [her] to lunch." Stoler wrote Cheng's Chinese name on the card that he slipped under the door; this was the name that Stoler called Cheng when they were dating. Stoler testified that he took a picture of this card so that there would be a record "of him doing a nice thing." Cheng did not respond to the card.

On the same March 10 evening, Cheng received a Ring Camera notification on her cell phone and, when she checked it, saw an image of Stoler looking into her workplace through the window. Cheng testified that "starting from March 10, 2025 at 7:42 p.m. when he showed up on my video camera, my entire life changed[,] and she was "in hiding and . . . terrified." Cheng notified her friends and people around her workplace that she wouldn't be going into work because she was scared of Stoler. Stoler did not email or call Cheng prior to his arrival in Hawai'i.

On Wednesday, March 12, Stoler went to lunch for 75 to 90 minutes at a restaurant where Cheng goes every Wednesday, and he asked staff if they had heard from Cheng. After lunch, Stoler went to a florist next door to Cheng's workplace, and looked to see whether the lights were off in Cheng's workplace and whether Cheng was there.

Also on March 12, Stoler went to see Cheng's friend at his business and asked if he had seen Cheng. The Family Court did not find credible Stoler's testimony that he was on a run and had spontaneously decided to stop in and see if the friend was in the office.

Stoler emailed Cheng's business associate during his March 2025 trip to Hawai'i. In his email, Stoler said that he had run into several people who knew Cheng while in Hawai'i, but admitted on cross examination that he had initiated these meetings and they were not spontaneous. The business associate

responded to Stoler on March 14, 2025, that Cheng was not interested in interacting with Stoler in any way. Stoler did not have any direct contact with Cheng during his trip from March 10 to 17, 2025.

Stoler refused to acknowledge that his actions to get in contact with Cheng had caused her fear. Cheng testified that she is terrified of Stoler and feels that he is stalking her. Stoler testified that based on his knowledge of Cheng's prior romantic history, Cheng had reached out post-breakup to reconcile prior relationships, and Stoler wanted Cheng to know that the "door was open."

The Family Court found the testimony and evidence credible that Stoler committed domestic abuse and that Cheng filed the Petition to protect herself, and that Cheng proved the material allegations of the petition by a preponderance of the evidence.

II. Discussion

The Family Court entered the OFP pursuant to HRS § 586-5.5. That statute provides in relevant part:

Protective order; additional orders. (a) If, after hearing all relevant evidence, the court finds that the respondent has failed to show cause why the [temporary restraining] order should not be continued and that a protective order is necessary to prevent domestic abuse or a recurrence of abuse, the court may order that a protective order be issued for a further fixed reasonable period as the court deems appropriate

HRS § 586-5.5(a) (Supp. 2021) (emphasis added). At a protective order hearing under HRS § 586-5.5(a), "the burden remains on the petitioner to prove the petitioner's underlying allegations by a preponderance of the evidence." Kie v. McMahel, 91 Hawai'i 438, 442, 984 P.2d 1264, 1268 (App. 1999) (citing Coyle v. Compton, 85 Hawai'i 197, 205, 940 P.2d 404, 412 (App. 1997)).

HRS § 586-1 (Supp. 2020) defines "[d]omestic abuse" in part as "[p]hysical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse, coercive control, or malicious property damage between family or household members[.]" (Emphasis added.)

In turn, HRS § 586-1 (2018) defines "[e]xtreme psychological abuse" as "an intentional or knowing course of conduct directed at an individual that seriously alarms or disturbs consistently or continually bothers the individual, and that serves no legitimate purpose; provided that such course of conduct would cause a reasonable person to suffer extreme emotional distress."

Here, based on the FOFs, the Family Court concluded in relevant part:

28. [Cheng] met her burden to establish that [Stoler] engaged in an intentional or knowing course of conduct directed at [Cheng] that seriously alarmed or disturbed [Cheng], serving no legitimate purpose.

29. The multiple actions of [Stoler] in their totality, before and after his breakup with [Cheng], constituted a course of conduct that would cause a reasonable person to suffer extreme emotional distress.

30. [Cheng] met her burden to establish that [Stoler] subjected her to extreme psychological abuse as defined in HRS § 586-1.

31. [Cheng] met her burden to establish that [Stoler] committed domestic abuse.

. . . .

33. A Protective Order is necessary to prevent domestic abuse or the reoccurrence of abuse.

Stoler contends that the Family Court erred in reaching COLs 28-31. Specifically, he challenges COL 28 in his first point of error, COL 29 in his second point of error, and COLs 30-31 in his third and sixth points of error. See supra.

We review the Family Court's exercise of discretion in this context as follows:

[T]he family court possesses wide discretion in making its decisions and those decision[s] will not be set aside unless there is a manifest abuse of discretion. Thus, we will not disturb the family court's decisions on appeal unless the family court disregarded rules or principles of law or practice to the substantial detriment of a party litigant and its decision clearly exceeded the bounds of reason.

Fisher v. Fisher, 111 Hawai'i 41, 46, 137 P.3d 355, 360 (2006) (quoting In re Doe, 95 Hawai'i 183, 189-90, 20 P.3d 616, 622-23 (2001)).

We review the Family Court's findings of fact for clear error and vacate only when "the record lacks substantial evidence to support the finding or, . . . despite substantial evidence in support of the finding, [we are] left with a definite and firm conviction that a mistake has been made." Id. "'Substantial evidence' is credible evidence which is of sufficient quality and probative value to enable a person of reasonable caution to support a conclusion." Id. We likewise review conclusions of law that present mixed questions of fact and law for clear error. See Estate of Klink ex rel. Klink v. State, 113 Hawai'i 332, 351, 152 P.3d 504, 523 (2007) (quoting AIG Hawaii Ins. Co. v. Estate of Caraang, 74 Haw. 620, 629, 851 P.2d 321, 326 (1993)).

Here, the unchallenged FOFs, summarized above, are binding on this court and support the Family Court's mixed conclusions of fact and law in COLs 28 through 31. See In re Doe, 99 Hawai'i at 538, 57 P.3d at 463. These COLs are supported by substantial evidence in the record, and we are not left with a definite and firm conviction that a mistake has been made. See In re Doe, 95 Hawai'i at 190, 20 P.3d at 623.

Stoler argues that he "never intended nor knowingly engaged in a course of conduct to seriously alarm, or disturb" Cheng; his "mimicking of 'Love Lines' . . . [was] motivated out of friendship and/or love between the parties"; and "[a]ttempting to repair a basic friendship or even a romantic relationship necessarily infers an intent that could not be one to harass, annoy, or alarm.

Because "intent can rarely be proved by direct evidence, proof of circumstantial evidence and reasonable inferences arising from circumstances surrounding the act is sufficient to establish the requisite intent." See State v. Calaycay, 145 Hawai'i 186, 200, 449 P.3d 1184, 1198 (2019) (quoting State v. Kiese, 126 Hawai'i 494, 502, 273 P.3d 1180, 1188 (2012)). Here, Cheng's testimony and the documentary evidence, as reflected in the unchallenged FOFs, constituted substantial evidence from which the Family Court could reasonably have concluded that Stoler engaged in an intentional or knowing course of conduct directed at Cheng that seriously alarmed or

disturbed her, serving no legitimate purpose. In disputing his intent, Stoler argues the weight of the evidence, ignoring the Family Court's express findings that Cheng's testimony was "credible in full" and, in several relevant instances, Stoler's testimony was not credible. We will not pass on the credibility of a witness or the weight of the evidence. See Fisher, 111 Hawai'i at 46, 137 P.3d at 360 (quoting In re Doe, 95 Hawai'i at 190, 20 P.3d at 623). Substantial evidence supports COL 28.

Stoler argues that the Family Court erred in concluding that the totality of his actions constituted a course of conduct that would cause a reasonable person to suffer extreme emotional distress. In particular, he contends that his 23 emails to Cheng on August 27, 2024, were "[l]egitimate communicated efforts on the part of a person in love [that] can hardly be conduct that would cause a reasonable person to suffer extreme emotional distress.

We disagree. The unchallenged FOFs support the Family Court's conclusion that the totality of Stoler's actions constituted a course of conduct that would cause a reasonable person to suffer extreme emotional distress, as reflected in COL 29. In this regard, Stoler's fifth point of error (see supra) also lacks merit. The Family Court did not conclude that the 23 emails in isolation were "stalking and abnormal behavior, and domestic abuse." Rather, it was Stoler who testified that the emails were not such behavior. Substantial evidence supports COL 29.

Finally, Stoler contends in his fourth point of error that the Family Court erred in finding that the Petition "listed 3 specific allegations of abuse, and dates for the specific acts, and unspecified acts." He makes no argument supporting this contention or its significance. It is deemed waived.^{4/} Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 28(b)(7).

^{4/} Stoler also argues that Cheng "used Chat GPT (Artificial Intelligence) to make statements in her [P]etition[,] and, therefore, "[t]he statement is not in compliance with HRS Section 586-3(c). He does not state "where in the record the alleged error was objected to or the manner in which [it] was brought to the attention of the court" HRAP Rule 28(b)(4); see Cnty. of Hawai'i v. C & J Coupe Family Ltd. P'ship, 119 Hawai'i 352, 373, 198 P.3d 615, 636 (2008). The argument is deemed waived.

III. Conclusion

For the reasons discussed above, the May 12, 2025 Order For Protection entered by the Family Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, October 13, 2026.

On the briefs:

Scot Stuart Brower
for Respondent-Appellant.

Ryan Ha
for Plaintiff-Appellee.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge