

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-25-0000610

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

SHAREEN W. KAHEAKU, Plaintiff-Appellant,
v.
THE STATE OF HAWAII ATTORNEY GENERAL ANNE LOPEZ,
Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CCV-25-0000373)

SUMMARY DISPOSITION ORDER

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

Shareen W. **Kaheaku**, representing herself, appeals from the *Final Judgment* for The State of Hawaii Attorney General Anne Lopez (the **AG**) entered by the Circuit Court of the First Circuit.¹ Kaheaku challenges the order granting the AG's motion to dismiss Kaheaku's complaint. We affirm in part and remand for further proceedings.

Kaheaku sued the AG, William **Quemado**, Honolulu Prosecuting Attorney Steven **Alm**, and Deputy Prosecuting Attorney Francisco **Valenzuela** on March 7, 2025. The record does not show service of the complaint on Quemado, Alm, or Valenzuela. See Hawaii Rules of Civil Procedure (**HRCP**) Rule 4(g).

The AG moved to dismiss the complaint on March 27, 2025. The motion was set for an April 30, 2025 hearing.

¹ The Honorable Shirley M. Kawamura presided.

Kaheaku did not oppose the motion to dismiss, but moved to amend her complaint. The circuit court continued the motion to dismiss hearing to July 1, 2025, and gave Kaheaku until June 10, 2025 to file and serve an amended complaint.

Kaheaku did not file an amended complaint. She did not appear at the July 1, 2025 hearing on the motion to dismiss. The circuit court orally granted the motion. The written order granting the motion was entered on July 28, 2025. This appeal followed.

After briefing was completed, we temporarily remanded for entry of an appealable judgment. The Final Judgment was entered on September 22, 2026; it entered judgment for the AG and against Kaheaku, and dismissed with prejudice the claims against Alm, Valenzuela, and Quemado. On October 1, 2026, Kaheaku filed a document we construed to be a supplemental brief challenging the Final Judgment. We gave the AG the option to file a reply; no brief was filed.

Kaheaku's briefs do not comply with Hawai'i Rules of Appellate Procedure Rule 28(b). To promote access to justice, we do not automatically foreclose a self-represented litigant from appellate review for not complying with court rules. Erum v. Llego, 147 Hawai'i 368, 380-81, 465 P.3d 815, 827-28 (2020). We read Kaheaku's brief generously, and attempt to discern what she is trying to convey.

Kaheaku argues she was the victim of various crimes committed by Quemado, who made "multiple false criminal misdemeanor filings" against her. She contends the AG refused to prosecute Quemado, which constituted "governmental misconduct and disparate treatment." The AG's motion to dismiss argued that Kaheaku's complaint failed to allege facts supporting any claim against the AG on which relief could be granted, and cited the doctrine of sovereign immunity. Kaheaku's briefs don't state what she would have argued on those issues had she filed a memorandum opposing the AG's motion.

Instead, she claims the circuit court committed "structural error" because: "No hearing or evidentiary review [were] held. Motion dates were altered; filings ignored."

The AG's motion to dismiss was filed under HRCF Rule 12(b)(6). A hearing on an HRCF Rule 12(b)(6) motion is not for presentation of evidence; it is for the parties to present their positions and answer questions the court may ask.

The hearing on the AG's motion to dismiss was continued to accommodate Kaheaku's desire to amend her complaint; the circuit court responded to, rather than ignored, Kaheaku's motion to amend.

Kaheaku did not amend her complaint. She filed no opposition to the motion to dismiss. She did not appear for the hearing on the motion. Under these circumstances, there was no structural error and the circuit court did not err by granting the AG's motion to dismiss.

Kaheaku's supplemental brief challenges the dismissal with prejudice of her claims against Quemado, Alm, and Valenzuela. Kaheaku did not serve her complaint on Quemado, Alm, or Valenzuela within six months after it was filed, as required by Rules of the Circuit Courts of the State of Hawai'i (**RCCH**) Rule 28. The record does not reflect that Kaheaku was served with notice of a proposed dismissal for failure to serve her complaint consistent with RCCH Rule 28. The circuit court should not have dismissed the complaint against the unserved defendants without notice to Kaheaku.

The September 22, 2026 Final Judgment is affirmed in part as to Kaheaku's claims against the AG, but vacated as to Kaheaku's claims against Quemado, Alm, and Valenzuela. This case is remanded to the circuit court; on remand, the circuit court (1) should enter an amended judgment for the AG and against Kaheaku on all claims alleged against the AG pursuant to HRCF Rule 54(b); and (2) may take action consistent with RCCH Rule 28. If on remand Kaheaku fails to comply with RCCH Rule 28 after being given notice, dismissal of her complaint against any

unserved defendant should be consistent with In re Blaisdell, 125 Hawai'i 44, 48-49, 252 P.3d 63, 67-68 (2011).

DATED: Honolulu, Hawai'i, October 23, 2026.

On the briefs:

Shareen W. Kaheaku,
Self-represented
Plaintiff-Appellant.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

Anne E. Lopez,
Attorney General
Skyler G. Cruz,
Yanita V. Spiker,
Deputy Attorneys General,
for The State of Hawai'i
Attorney General
Anne Lopez.

/s/ Kimberly T. Guidry
Associate Judge