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NO. CAAP-25-0000663

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

JUE WANG, Plaintiff-Appellant,
v.
YAN ZHAO; HAI WANG, Defendants-Appellees, and
JOHN DOES 1-10; JANE DOES 1-10; and DOE ENTITIES 1-10,
Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CCV-24-0001805)

SUMMARY DISPOSITION ORDER
(By: Hiraoka, Presiding Judge, Wadsworth and Gluck, JJ.)

Plaintiff-Appellant Jue Wang (**Jue**) appeals from the September 24, 2025 Final Judgment of the Circuit Court of the First Circuit (**Circuit Court**).[1] Jue brought claims for fraud and unjust enrichment against Defendants-Appellees Yan Zhao (**Yan**) and Hai Wang (**Hai**). The Circuit Court granted Yan's motion to dismiss (**MTD**) as to the fraud claim; granted Yan's motion for summary judgment (**MSJ**) as to the unjust enrichment claim; and awarded Yan attorney's fees for defending against the unjust enrichment claim. Jue's appeal challenges all three rulings. The Circuit Court also entered default judgment against Hai and

[1] The Honorable Jordan J. Kimura presided.

awarded Jue attorney's fees, but the Circuit Court awarded less in fees than Jue had requested and denied Jue's request for pre-judgment interest. Jue's appeal challenges these two rulings as well. We consolidate Jue's points of error as follows: she argues that the Circuit Court erred in (1) granting the MTD as to Jue's fraud claim; (2) granting the MSJ as to Jue's unjust enrichment claim; (3) awarding attorney's fees to Yan; and (4) denying prejudgment interest and awarding too little in attorney's fees in her default judgment against Hai.

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 Jue's points of error as follows, and affirm.

(1) The Circuit Court did not err in granting the MTD as to Jue's fraud claim. "The elements of fraud are: (1) false representations made by the defendant; (2) with knowledge of their falsity (or without knowledge of their truth or falsity); (3) in contemplation of plaintiff's reliance upon them; and (4) plaintiff's detrimental reliance." Miyashiro v. Roehrig, Roehrig, Wilson & Hara, 122 Hawaiʻi 461, 482–83, 228 P.3d 341, 362–63 (App. 2010). Additionally, Hawaiʻi Rules of Civil Procedure (**HRCP**) Rule 9(b) (eff. 2000) requires that "[i]n all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity." Jue's First Amended Complaint (**FAC**) avers that Yan falsely stated that she (Yan) was from a wealthy family, that Yan purchased her home with cash, and that Yan and her "husband" Hai were United States residents through the EB-5 investment program. Jue avers that Yan asked Jue to take a phone call from Yan's "dear 'husband,'" and that Hai asked Jue for a loan (which Jue provided, and which Hai did not fully repay). Even if Yan's statements regarding

her family's wealth and her marital status were knowingly false, however, Jue's FAC did not allege with particularity that she detrimentally relied on those statements to lend money to Hai. Because detrimental reliance is an essential element of a claim of fraud, the Circuit Court did not err in dismissing Count I as against Yan. See Larsen v. Pacesetter Sys., Inc., 74 Haw. 1, 31, 837 P.2d 1273, 1288-89 (1992) (ruling against the plaintiff's claims of fraud because "the complaint neglected to allege detrimental reliance").

(2) The Circuit Court did not err in granting the MSJ as to the unjust enrichment claim. In her declaration in support of her MSJ, Yan declared that she "never received, accepted, or benefitted from any of the loan proceeds allegedly given by [Jue] to [Hai]." This satisfied Yan's initial burden under HRCP Rule 56 (eff. 2000). In response, Jue's affidavit admitted that she had no evidence with which to contest Yan's assertions: "[Jue] is unable to file an affidavit opposing the MSJ for Unjust Enrichment claim as it is true that no direct evidence at this time to establish [Yan's] liability under Unjust Enrichment/Restitution claim[.]" This affidavit demonstrates that Jue cannot satisfy an essential element of her claim for unjust enrichment, and summary judgment was appropriate.

(3) The Circuit Court did not err in awarding attorney's fees to Yan as to Jue's claim for unjust enrichment. Jue's claim for unjust enrichment is in the nature of assumpsit, and to the extent Jue argues to the contrary, her argument is without merit. As this court explained in Porter v. Hu, 116 Hawaiʻi 42, 59, 169 P.3d 994, 1011 (App. 2007):

> There exists no inherent conflict between an unjust enrichment award and a finding that the claim it is based on sounds in assumpsit. Assumpsit embraces quasi-contractual remedies such as unjust enrichment; therefore,

> it is not inconsistent to press an unjust enrichment claim, while noting that it arises in the nature of assumpsit, and contract and tort claims. The circuit court committed no error by allowing Plaintiffs to recover on unjust enrichment while considering the claim to be in the nature of assumpsit.

(Emphasis added.) Accord Hong v. Kong, 5 Haw. App. 174, 183, 683 P.2d 833, 841 (App. 1984) ("From its inception as a form of action for breach of simple contract, assumpsit also evolved as a vehicle for recovery in quasi contract, basically to deprive the defendant of an unjust enrichment. Indeed, assumpsit will lie upon a promise implied by law, which arises to prevent one man from being inequitably enriched at another's expense." (cleaned up)). Jue argues that the Circuit Court failed to separate Yan's defense of the unjust enrichment claim (for which attorneys' fees are authorized) from her defense of the fraud claim (for which they are not). Yet the record indicates that Yan requested total fees and costs of $35,984.04, which excluded $6,722.51 in fees ($6,420.00 plus General Excise Tax) attributable to her defense of the fraud claim, and the Circuit Court further reduced the requested fees to $19,045.83. The Circuit Court expressly ruled that "the Court declines [Yan's] request for attorney's fees as to [Jue's] fraud claim[.]" Jue has not demonstrated any error by the Circuit Court.

Jue argues that her unjust enrichment claim was "decorative because it was impossible to pursue independently against Yan" (emphases omitted), such that an award of attorney's fees was improper. This argument is specious. After the Circuit Court dismissed the fraud claim, Jue continued to litigate the unjust enrichment claim. Yan was required to file an answer to the FAC (which now contained only one claim, for unjust enrichment) and Jue opposed Yan's MSJ as to the unjust enrichment claim with a memorandum, declarations, and exhibits.

Jue's counsel also attempted to defeat the MSJ via an HRCP Rule 56(f) declaration. After fighting to keep unjust enrichment as a viable, independent claim for relief following dismissal of the fraud claim, Jue cannot now assert that unjust enrichment was "decorative."

Jue also contends that the Circuit Court erred in failing to explain "what was deducted, what was non-compensable, what was excessive, and how it was justified [in awarding $16,483.50] as 'reasonable' attorney fees." Jue provides no argument as to how the Circuit Court erred, but instead argues only that the Circuit Court failed to explain its rationale. Jue points to nothing in the record to suggest that the Circuit Court's calculations were an abuse of discretion, and she cites no legal authority to demonstrate any error by the Circuit Court.

Additionally, Jue argues that Yan was not a "prevailing party" — and was thus not entitled to attorney's fees — because the Circuit Court dismissed the fraud claim against Yan with prejudice. But no attorney's fees were awarded to Yan for defending against the fraud claim: instead, attorney's fees were awarded to Yan for obtaining summary judgment (rather than dismissal without prejudice) on the unjust enrichment claim. Yan was entitled to attorney's fees, and Jue's argument is without merit.

Accordingly, the Circuit Court's award of attorney's fees to Yan is affirmed.

(4) The Circuit Court did not abuse its discretion in denying prejudgment interest or in its award of attorney's fees as to Jue's default judgment against Hai. Hawaiʻi Revised Statutes (**HRS**) § 636-16 (2016) vests a court with discretion to award pre-judgment interest. "[T]he purpose of prejudgment

interest, in the context of HRS § 636-16, is to correct injustice when a judgment is delayed for a long period of time for any reason, including litigation delays[.]" Cnty. of Haw. v. C & J Coupe Fam. Ltd. P'ship, 124 Hawaiʻi 281, 312, 242 P.3d 1136, 1167 (2010) (internal quotation marks and citations omitted). The Hawaiʻi Supreme Court has set forth the following factors in evaluating a request for pre-judgment interest:

> (1) if fault is found on the part of the party seeking interest, denial of interest will not be considered an abuse of discretion; (2) if fault is found on the part of the party opposing interest, an award of interest will not be considered an abuse of discretion; and (3) where no fault is found on either side, the trial court may still award or deny prejudgment interest in its discretion, depending on the circumstances of the case.

Tri-S Corp. v. W. World Ins. Co., 110 Hawaiʻi 473, 498, 135 P.3d 82, 107 (2006).

Here, although Jue averred that she transferred money to Hai in 2020, Jue did not initiate the instant lawsuit until December 2024. Jue moved for a default judgment on May 7, 2025, and the Circuit Court granted in part and denied in part the motion on July 18, 2025. The "delay" in obtaining a judgment against Hai was primarily due to Jue's waiting to initiate suit until 2024. Hai did not appear in this litigation and did not delay court proceedings. The Circuit Court's denial of prejudgment interest was not an abuse of discretion under the plain holding of Tri-S Corp.

Jue further argues that the Circuit Court abused its discretion in awarding only $1,800.00 in attorney's fees to Jue in securing the default judgment against Hai, when she had requested $14,175.00. Once again, Jue provides no argument as to what attorney's fees were improperly excluded; instead, she argues only that the Circuit Court erred in not explaining its deductions. In addition, a review of the record demonstrates

that Jue was not entitled to $14,175.00 in attorney's fees, because many of the time entries relate to Jue's claims against Yan, not Hai. For example, Jue's requested total included 3.5 hours for a client meeting and drafting the FAC (which occurred in response to Yan's MTD); 5.5 hours for attending the oral deposition of Yan, which occurred after Jue had already filed for default judgment against Hai; and drafting discovery requests to Yan. Jue's request also failed to separate work on the claim for unjust enrichment and the claim for fraud. Jue has not demonstrated that the Circuit Court abused its discretion in its award of fees to Jue.

Based on the foregoing, we affirm the September 24, 2025 Final Judgment of the Circuit Court.

Dated: Honolulu, Hawaiʻi, October 29, 2026.

On the briefs:

Wen Sheng Gao,
for Plaintiff-Appellant
Jue Wang.

Carl H. Osaki,
for Defendant-Appellee
Yan Zhao.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Daniel M. Gluck
Associate Judge