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Intermediate Court of Appeals
CAAP-26-0000147
16-OCT-2026
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NO. CAAP-26-0000147

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

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CU HAWAII FEDERAL CREDIT UNION,
Plaintiff/Counterclaim Defendant-Appellee,
v.
ARON DEUTSCH,
Defendant/Counterclaimant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH KONA DIVISION
(CASE NO. 3DRC-25-0001679)

OCTOBER 16, 2026

LEONARD, PRESIDING JUDGE, WADSWORTH AND MCCULLEN, JJ.

ORDER DENYING MOTION TO DISMISS APPEAL BY LEONARD, J.

Upon consideration of Plaintiff/Counterclaim Defendant-Appellee CU Hawaii Federal Credit Union's (**HFCU**) June 29, 2026 Statement Contesting Jurisdiction or, in the Alternative, Motion to Dismiss, which the court construes as a motion (**Motion to Dismiss**), the papers in support, self-represented Defendant/Counterclaimant-Appellant Aron Deutsch's

(**Deutsch**) June 28, 2026 Statement of Jurisdiction, and the record, it appears as follows.

(1) Deutsch appeals from the District Court of the Third Circuit, North and South Kona Division's January 28, 2026 Order Granting Plaintiff's Motion to Dismiss or, in the Alternative Summary Judgment and Denying Defendant's Motion for Reconsideration of Order Granting Plaintiff's Motion for Summary Judgment (**January 28, 2026 Order**).

(2) The January 28, 2026 Order is the operative appealable judgment under Hawai'i Revised Statutes § 641-1(a) (2016) and Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 984 P.2d 1251 (1999) (holding that an "order that fully disposes of an action in the district court" is final and appealable if it "ends the litigation by fully deciding the rights and liabilities of all parties and leaves nothing further to be adjudicated").

(3) Per Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1), the deadline to appeal from the January 28, 2026 Order was February 27, 2026. HRAP Rule 4(a)(1) provides in relevant part:

(a) **Filing the notice of appeal.** An appeal permitted by law from a court or agency shall be taken by filing a notice of appeal, together with such fees as are established by statute or these rules, with the appellate court within the time allowed by Rule 4 of these Rules. . . . **A self-represented party** and an attorney who is exempt from registering as a JEFS User **shall conventionally file the notice of appeal with the clerk of the court or agency appealed from. Within 7 days after the conventional filing of the notice of appeal, the clerk of the court or agency appealed from shall electronically file the notice of appeal with the appellate court. . . . The date of receipt shall be deemed the date the notice of appeal was filed with the appellate court.** Failure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the appellate court deems appropriate, which may include dismissal of the appeal.

(Emphasis added.)

(4) HFCU seeks dismissal of the appeal, *inter alia*, because it was not timely filed within 30 days of the January 28, 2026 Order.

(5) Deutsch contends the appeal is timely, as he submitted his Notice of Appeal on February 27, 2026, via the Third Circuit (Hawai'i island) Online Document Drop-off service. In the upper left hand corner, the Notice of Appeal is electronically stamped "Received electronically on 27-FEB-26 at 06:02:28 PM." Deutsch received an electronic confirmation, with a header stating "Court Document Drop-off" and text stating, *inter alia*, "Your document has been submitted to the court electronically. The Document ID is 3DDOC-26-004528." The electronic confirmation includes the document type "NOTICE OF APPEAL" and the "Submission Date/Time."

(6) The Online Document Drop-off service is described at the Hawai'i State Judiciary website as follows:

Overview

Document Drop-off is an online service for those with **Third Circuit court cases on Hawai'i island only** as a convenient alternative to submit documents to the court.

Document Drop-off makes it possible to submit an electronic copy of a document to the reviewing **Third Circuit court**. *The submitted document does not automatically become a part of the official court record upon submission.* The use of the online Document Drop-off service is strictly voluntary.

This service is available in civil and adult criminal court cases in the Third Circuit (County of Hawai'i) only.

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How to Use the Document Drop-off Service

To use this free service, a user must *register for a JEFS account*, have an email address, and be able to submit a document in PDF format.

The following JEFS account holders may use this service:

- Any member of the public who has court business and is **not** an attorney.

- Self-Represented Litigants (SRL). Any person who is a party to a case and who does not have an attorney. The SRL may not use Document Drop-off for case documents if they are already electronically filing documents for their case. The SRL may use Document Drop-off for any documents which are not required to be filed in their case, such as documents for other court business.

- Attorneys and their staff who are not required to electronically file in JEFS (Judiciary Electronic Filing System).

. . . .

NOTE: *This is a digital delivery service only and not an official filing for court records. While Document Drop-off uses the Judiciary Electronic Filing (JEFS) online platform, it does not replace official filing. All JEFS account holders such as attorneys, firm staff, and self-represented litigants are still required to follow the Hawai'i Electronic Filing and Service Rules for electronic filing in traffic, criminal, and civil cases.*

*The documents submitted through Document Drop-off are not available online unless the document is electronically filed to the court case record by the **Third Circuit** court staff. Documents officially filed into the court case record will be reflected in the case record online (see [eCourt Kōkua](#)). Users should check that the case record has been appropriately updated online, and allow time for the Court to do so.*

(Hyperlinks omitted.)

(7) Notwithstanding the many caveats, including that documents submitted to the Third Circuit using the Document Drop-off service are not "officially filed" unless court staff electronically file them, the Document Drop-off service is presented by the Judiciary as a "convenient alternative" to submitting documents to the Third Circuit conventionally. In this case, the Third Circuit clerk initialed and marked the Notice of Appeal with "RECEIVED" on March 3, 2026, and it was marked as "Electronically Filed" in this Intermediate Court of Appeals on March 4, 2026.

(8) In the context of conventional submissions to a court, the controlling rule in Hawai'i has been that the date of

receipt prevails over the file-stamped date. This principle was firmly established in Doe v. Doe, 98 Hawai'i 144, 150-51, 44 P.3d 1085, 1091-92 (2002), wherein the Hawai'i Supreme Court held that the family court clerk's acceptance and date-stamping of a motion as "received" satisfied the jurisdictional requirement at issue in that case. The supreme court reaffirmed this holding in DL v. CL, 146 Hawai'i 415, 421-22, 463 P.3d 1072, 1078-79 (2020), wherein it concluded that this court had erred in concluding that certain post-divorce motions were untimely, because the motions were submitted to the family court clerk and stamped received on the deadline, but not stamped as filed until fifteen days later. See also Yuen v. Bd. of App. of Cnty. of Haw., 2012 WL 902231, at *4-5 (Haw. App. Mar. 19, 2012) (Mem. Op.) (holding that a notice of appeal submitted to clerk and stamped received on the deadline date was sufficient for jurisdictional purposes notwithstanding that it was officially file-stamped days after the deadline).

(9) In light of this well-established precedent, we hold that in the context of the Third Circuit (Hawai'i island) Online Document Drop-off service, as currently established, a notice of appeal that is electronically stamped "Received electronically" by the Judiciary's online systems on the deadline date is sufficient for jurisdiction purposes, notwithstanding that it was not marked as received by the court clerk until a later date and then subsequently filed in this court. The use of an online process that is billed as a "convenient alternative to submit documents to the court" cannot be construed by this court as, in essence, a trap for the unwary self-represented person, even though the filing process is now three steps - electronically received, received by the clerk, and then file-stamped - rather than the two steps involved in the conventional filing cases. Here, the Notice of Appeal was

timely submitted through this service, Deutsch received an electronic confirmation of the submission, and the Third Circuit Court clerk electronically filed the Notice of Appeal with this court, as prescribed in HRAP Rule 4(a)(1). Accordingly, we reject HFCU's argument that this appeal should be dismissed because the Notice of Appeal was not timely filed.

(10) Alternatively, HFCU argues that this court should exercise its discretion and dismiss this appeal because Deutsch failed to file a Civil Appeals Docketing Statement and failed to timely pay court fees. We decline to do so.

(11) Finally, HFCU argues that Deutsch's appeal should be dismissed for failing to comply with a vexatious litigant order filed in another case. This request is denied without prejudice to the parties addressing this issue in conjunction with the briefing on the merits of this appeal.

Therefore, for these reasons, IT IS HEREBY ORDERED that the Motion to Dismiss is denied.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge