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Intermediate Court of Appeals
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NO. CAAP-24-0000361

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAIʻI

TONG JIN SU, individually and
as Representative of Dae Han Shipping Agency, Inc.,
Plaintiff/Counterclaim Defendant-Appellee/Cross-Appellee, v.
YOUNGJAE JUNG, Defendant-Appellant/Cross-Appellee,
and
SU JIN CHOI, JAMES KIM, HONGTO CO. LTD.,
Defendants-Appellees/Cross-Appellees,
and
DAE HAN SHIPPING AGENCY, INC.,
Defendant/Counterclaimant-Appellee/Third-Party
Plaintiff/Cross-Appellant, v.
DAE HAN MARINE, INC.,
Third-Party Defendant-Appellee/Cross-Appellee,
and
JOHN DOES 1-10, JANE DOES 1-10, DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10, DOE LIMITED LIABILITY COMPANIES 1-10, DOE ENTITIES 1-10, DOE GOVERNMENTAL UNITS 1-10, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CC181000551)

ORDER DISMISSING APPEAL OF
DEFENDANT-APPELLANT/CROSS-APPELLEE YOUNGJAE JUNG
(By: Wadsworth, Presiding Judge, McCullen, and Guidry, JJ.)

Upon review of the record, it appears that:

(a) Defendant-Appellant/Cross-Appellee Youngjae Jung (**Jung**) appeals, and Defendant/Counterclaimant-Appellee/Cross-Appellant Dae Han Shipping Agency, Inc. (**Dae Han Shipping**) cross-appeals, from the June 24, 2024 Amended Final Judgment entered by the Circuit Court of the First Circuit in favor of

Plaintiff/Counterclaim Defendant-Appellee/Cross-Appellee Tong Jin Su (**Su**).

(b) The court's September 19, 2026 order noted that Jung's opening brief identified a related case involving the parties to this appeal (1CCV-24-0000222), in which Jung's counsel Christopher J. Muzzi (**Muzzi**) filed a February 18, 2026 "Notice of Suggestion of Death" that "suggests upon the record the death of Defendant YOUNGJAE JUNG during the pendency of this action based upon information and belief that he died on February 11, 2026 in the Republic of Korea."

(c) The court ordered Muzzi to (1) file a declaration indicating whether Jung is deceased and the date of death, and whether a personal representative has been appointed for Jung, (2) if Jung is deceased, to file under seal a certified copy of Jung's certificate of death, and (3) identify any personal representative appointed for Jung's estate, indicate whether they intend or decline to substitute as a party, and serve them with the appellate filings.

(d) The September 19, 2026 order stated "if a motion to substitute under [Hawai‘i Rules of Appellate Procedure (**HRAP**)] Rule 43(a) is not filed within forty-five (45) days of this order, then Jung's appeal may be dismissed."

(e) On October 1, 2026, Su filed a Suggestion of Death for Jung, and Muzzi filed a copy of the death certificate and a declaration that states in part (1) Jung died on February 10, 2026 in South Korea, (2) there is no personal representative for Jung, (3) Marshall Chinen was appointed Special Administrator with limited powers for Jung's estate and has substituted in another civil case, and (4) Muzzi asked Chinen "if his Letters of Special Administration were broad enough to allow him to act on behalf of Mr. Jung in this appeal and Mr. Chinen said they were very limited and he understood that his Letters of Special Administration did not allow him to participate in this appeal."

(f) Muzzi filed an October 1, 2026 "Motion for Relief From the Requirement in the September 18, 2026 Order to File a 'Certified' Copy of Certificate of Death" (**Motion**) that states Muzzi is "unable to obtain a 'certified' copy of Mr. Jung's death

certificate as that term is commonly understood" and there is no Korean government "certified" copy because death certificates are issued by private doctors and hospitals, and no party disputes Jung's death.

(g) HRAP Rule 43(a) states in part:

> **(a) Death of a Party**. If a party dies after the notice of appeal is filed, or while the proceeding is otherwise pending in a Hawai‘i appellate court, that court may substitute the personal representative of the deceased party as a party on motion filed by the representative or by any party. The motion shall be served upon the representative in accordance with the provisions of Rule 25. If the deceased party has no representative, any party may suggest the death on the record, and proceedings shall then be had as that court shall direct. If an appellee dies after entry of the judgment or order in the court or agency appealed from but before a notice of appeal is filed, an appellant may proceed as if the death had not occurred. After the notice of appeal is filed, substitution shall be effected in the Hawai‘i appellate courts in accordance with this subsection. . . . .

(h) The 45-day deadline in the September 19, 2026 order has expired, and no motion was filed to substitute for Jung in this appeal.

Therefore, IT IS HEREBY ORDERED that Jung's appeal is dismissed. Dae Han Shipping's cross-appeal remains for disposition by the court.

IT IS FURTHER ORDERED that the Motion is granted.

DATED: Honolulu, Hawai‘i, November 17, 2026.

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge