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NO. CAAP-25-0000017

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAIʻI

GLENDALE IMSON, Plaintiff-Appellee,
v.
PETER THOMAS MOORE, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(CASE NO. 1DV181006574)

SUMMARY DISPOSITION ORDER
(By: Nakasone, Chief Judge, Wadsworth and Guidry, JJ.)

Self-represented Defendant-Appellant Peter Thomas Moore (**Husband**) appeals from the Family Court of the First Circuit's[1] (**family court**) December 11, 2024 "Order" denying with prejudice Husband's post-decree "Motion Pursuant to [Hawaiʻi Family Court Rules (**HFCR**)] Rule 11: Strike & Impose Monetary Sanctions and Motions for Court Finding of Contempt and Unprofessional Conduct [(**HFCR Rule 11 Motion**)]" (**Rule 11 Order**),

[1] The Honorable Dyan M. Medeiros presided.

and April 15, 2025 "Findings of Fact and Conclusions of Law" (**April 2025 Order**).

Husband raises five "[i]ssues" on appeal,[2] contending that the family court: (1) "committed procedural error by denying [Husband's] [HFCR] Rule 11 [M]otion to strike the ["Decree Granting Absolute Divorce and Awarding Child Custody" (**Divorce Decree**)] where the [Divorce Decree] was entered without [Husband's] signature, in violation of the signature and certification requirements of HFCR Rule 11"; (2) "erred as a matter of law by enforcing a [D]ivorce [D]ecree that incorporates terms of a marital settlement agreement when no such agreement was executed or signed by [Husband]"; (3) "abused its discretion by ratifying a [D]ivorce [D]ecree that lacked factual or legal support in the record, thereby entering judgment outside the bounds of reason and contrary to established Hawaiʻi law"; (4) "abused its discretion in upholding [Husband's] arrest for custodial interference"; and (5) "fail[ed] to timely enter the [D]ivorce [D]ecree." (Emphasis omitted.)

Upon careful review of the record, briefs, and relevant legal authorities, and having given due consideration

[2] Husband's brief does not comply with Hawaiʻi Rules of Appellate Procedure Rule 28. Among other things, Husband's brief does not set forth "points of error," nor does it provide record citations.

to the arguments advanced and the issues raised by the parties, we resolve Husband's contentions of error as follows:

(1) We first address Husband's second, third, and fifth contentions of error, which directly challenge the family court's December 31, 2020 Divorce Decree. Husband's belated attempts to challenge the Divorce Decree, through an appeal that was taken on January 10, 2025, are untimely and therefore waived.[3] See Order Denying October 16, 2006 Motion to Dismiss Appeal, & Order to Show Cause, Fox v. Fox, No. 28032, 2006 WL 3040640, at *2 (Haw. App. Oct. 25, 2006) (concluding that the appellate court lacked jurisdiction to review the divorce decree where "[t]he time period for appealing [the divorce decree] ha[d] already expired under [Hawaiʻi Rules of Appellate Procedure] Rule 4(a)"); see also Cleveland v. Cleveland, 57 Haw. 519, 524, 559 P.2d 744, 748 (1977) ("It would be intolerable for an unappealed decree terminating marriage to remain uncertain as to finality because the family court continues to retain jurisdiction of the proceeding to deal with [collateral matters].").

(2) Husband's first contention of error represents that the family court erred in denying his HFCR Rule 11 Motion

[3] We note that Husband made previous challenges to the Divorce Decree that were denied by the family court in 2023 and 2024, and Husband did not appeal the orders denying his challenges.

"to strike the [D]ivorce [D]ecree" because the family court's entry of the Divorce Decree without Husband's signature constituted a "procedural error." (Emphasis omitted.) We review the family court's denial of Husband's HFCR Rule 11 Motion under the abuse of discretion standard. See Fujimoto v. Au, 95 Hawaiʻi 116, 138, 19 P.3d 699, 721 (2001) (concluding that "[a]ll aspects of a [Hawaiʻi Rules of Civil Procedure (**HRCP**)] Rule 11[4] determination should be reviewed under the abuse of discretion standard." (citation omitted)).

On October 14, 2024, Husband filed the HFCR Rule 11 Motion. Husband's HFCR Rule 11 Motion argued that the Divorce Decree was invalid for lack of Husband's signature, and that the family court should therefore strike the Divorce Decree and impose monetary sanctions on Wife. Wife did not file a response. The family court heard argument from both parties on December 11, 2024.

HFCR Rule 11[5] does not apply here. By its plain language, HFCR Rule 11 requires a party or the party's attorney

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[4] HFCR Rule 11 is substantively similar to HRCP Rule 11.

[5] HFCR Rule 11, which governs the signing of pleadings, motions and other documents, states, in relevant part, that,

> A party who is not represented by an attorney shall sign the party's **pleading**, **motion**, **or other document** and state the party's address, telephone number, facsimile number (if any), and electronic mail address (if any). . . . **The signature of an attorney or party constitutes a certificate**

(continued . . .)

to certify that *the party's own* filing "is well grounded" in fact and law, and that it is "not interposed for any improper purpose." The family court's Divorce Decree was not Husband's "pleading, motion, or other document."

The record reflects that Husband, when given opportunity to present arguments, did not provide any legal or factual support for his Rule 11 argument.

We therefore conclude that the family court did not abuse its discretion in denying Husband's HFCR Rule 11 Motion.

(3) Husband's fourth contention represents that the family court "abused its discretion in upholding [Husband's] arrest for custodial interference." (Emphasis omitted.) The

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[5](. . . continued)

> **by the signer that the signer has read** the pleading, motion, or other document; **that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law**, and that **it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation**. If a pleading, motion, or other document is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other document is signed in violation of this Rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other document, including a reasonable attorney's fee.

(Emphasis added.)

April 2025 Order does not "uphold[]," or otherwise reference, the arrest of Husband "for custodial interference." And Husband does not provide any record citations or argument that would enable us to discern whether and, on what basis, Husband is challenging a prior order of the family court.[6] Husband's contention lacks merit.

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[6] At the December 11, 2024 hearing on Husband's HFCR Rule 11 Motion, Husband referenced his "arrest," but was unable to provide any information substantiating an arrest:

> THE COURT: **Nobody's asking for you to be arrested, sir.**
>
> [HUSBAND]: But you already have. You've arrested me for no reason whatsoever. It goes back to the simple case of Magna Carta, the basics.
>
> THE COURT: Nobody -- **I've not heard anybody say you have -- for you -- ask for you to be arrested.**
>
> [HUSBAND]: I have been arrested.
>
> . . . .
>
> THE COURT: For what?
>
> [HUSBAND]: Exactly.
>
> THE COURT: For what?
>
> [HUSBAND]: Exactly (indiscernible).
>
> THE COURT: You tell me. **What were you arrested for?**
>
> [HUSBAND]: From re -- for officially I don't know.
>
> . . . .
>
> THE COURT: Well, you should know what you were arrested for. There's no way for me to know what you were arrested for.
>
> [HUSBAND]: Which should be in the court order. It should be in the court findings. That's what I have to

(continued . . .)

[6](. . . continued)

bring to immigration. And if you don't have it, I don't have it.

THE COURT: This is the Family Court. If you were arrested on a criminal charge, --

[HUSBAND]: It's not --

THE COURT: -- that information would be with the criminal court.

[HUSBAND]: -- that's -- I was not arrested on a criminal charge. I --

THE COURT: **What were you arrested for?**

[HUSBAND]: **Apparently noncompliance with a court order.** And the written form of the court order differs from the verbal form and therefore there's no possibility of compliance. It is a catch-22 and [Wife's counsel] should be held fully --

THE COURT: **So you're saying --**

[HUSBAND]: -- accountable.

THE COURT: -- **you were arrested for contempt of court? Is that what you're telling me?**

[HUSBAND]: **I don't know. I was arrested when I picked up the children.**

And an email which is included in the submission --

THE COURT: **When were you arrested, sir?**

[HUSBAND]: **Uh, the first Wednesday of 2020 in September -- of the school year.**

THE COURT: 2020?

[HUSBAND]: 2021.

. . . .

THE COURT: 2021?

[HUSBAND]: Yeah.

THE COURT: Yeah. **I'm looking in your -- I'm checking your name to see if there is a record that I can find.**

(continued . . .)

For the foregoing reasons, we affirm the Rule 11 Order and April 2025 Order.

DATED: Honolulu, Hawaiʻi, November 6, 2026.

On the brief:

Peter Thomas Moore,
Self-represented
Defendant-Appellant.

/s/ Karen T. Nakasone
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge

[6](. . . continued)

> [HUSBAND]: All right.
>
> THE COURT: **In 2021 the only thing listed for you is some kind of traffic infraction. And a civil case.** So I don't --
>
> [HUSBAND]: There is a case -- no, I'm surprised they don't have it in the -- in the filing, Your Honor. One moment, please.
>
> THE COURT: But **I can't find it. So if you can't tell me --**
>
> [HUSBAND]: Yeah, yeah. Sure. Thank you very much.

(Emphasis added.)