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NO. CAAP-25-0000388

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAIʻI

PETER GILES, Petitioner-Appellee
v.
JONATHAN BRIAN THOMAS, Respondent-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH HILO DIVISION
(CASE NO. 3SS061000069)

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

Self-represented Respondent-Appellant Jonathan Brian **Thomas** appeals from the District Court of the Third Circuit's April 10, 2025 denial of his "Petition to Seal and Restrict Records of a Temporary Protective Order" (**Petition to Seal**).[1] (Formatting altered.)

On appeal, Thomas contends the "Family Court's" denial of his "request to withhold the record of a protective order petition from public inspection" was "in direct contravention"

[1] The Honorable M. Kanani Laubach presided.

of Hawaiʻi Revised Statutes (**HRS**) § 586-5.5(c) (2018 & Supp. 2020).[2]

Upon careful review of the record and the briefs submitted by the parties, and having given due consideration to the issues raised and the arguments advanced, we resolve this appeal as discussed below and affirm.

In April 2006, Petitioner-Appellee Peter B. **Giles**,[3] petitioned the district court pursuant to HRS § 604-10.5 (Supp. 1999) for a temporary restraining order and injunction against harassment (**Petition for TRO**). The Petition for TRO alleged Thomas entered Giles' staff meeting uninvited, "and in an intimidating manner walked to where [Giles] was conducting the meeting, placed a note with his name and telephone [number] and said 'Call me tonight — It's important' in a threatening tone." Thomas then left in anger, damaging the front door in the process.

The district court denied Giles' Petition for TRO, finding there was "insufficient evidence to amount to a probable

[2] The 2020 amendment to HRS § 586-5.5 added subsection (c). 2020 Haw. Sess. Laws Act 18, § 3 at 271. Subsection (c) was unaffected by both the 2021 and 2025 amendments to the statute, with the latter not going into effect until June 25, 2025, over two months after Thomas filed his Petition to Seal. 2021 Haw. Sess. Laws Act 27, § 3 at 45-46; 2025 Haw. Sess. Laws Act 219, § 26 at 520.

[3] Thomas' opening brief indicates Giles is deceased.

cause to believe that an act or acts of harassment have occurred as defined in HRS [§] 604-10.5."

Nineteen years later, on April 8, 2025, Thomas filed his Petition to Seal, relying on HRS § 586-5.5(c). The district court denied the petition.

"While HRS § 586-5.5 governs the issuance of restraining orders against abuse of family and household members, HRS § 604-10.5 governs the issuance of restraining orders to prevent harassment 'of any person.'" Coyle v. Compton, 85 Hawaiʻi 197, 203, 940 P.2d 404, 410 (App. 1997) (citation omitted). Specifically, HRS § 586-5.5(c) provides that "[i]f the court denies a protective order or extended protective order, the court may order upon the oral request of the respondent that the protective order or extended protective order petition record be withheld from public inspection[.]"

Here, Giles filed his Petition for TRO pursuant to HRS § 604-10.5, not HRS § 586-5.5. The district court denied Giles' Petition for TRO based on HRS § 604-10.5. Giles' Petition for TRO did not allege that Thomas was a family and/or household member.

Although the Petition for TRO was filed pursuant to HRS § 604-10.5 governing injunctions to prevent harassment of any person, Thomas sought relief under HRS § 586-5.5 governing injunctions to prevent abuse of family and household members.

HRS § 604-10.5 does not contain a provision similar to HRS § 586-5.5(c).[4] Aside from policy arguments, Thomas provides no legal basis for importing the provisions of HRS § 586-5.5(c) into HRS § 604-10.5, and we decline to do so. The district court did not err by denying Thomas' Petition to Seal.

Based on the foregoing, we affirm the April 10, 2025 denial of Thomas' Petition to Seal.

DATED: Honolulu, Hawaiʻi, November 19, 2026.

On the briefs:

Jonathan Brian Thomas,
Self-represented
Respondent-Appellant.

/s/ Karen T. Nakasone
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge

[4] HRS § 586-5.5(c) provides:

> (c) If the court denies a protective order or extended protective order, the court may order upon the oral request of the respondent that the protective order or extended protective order petition record be withheld from public inspection; provided that the record shall remain accessible to law enforcement officers without a court order.

HRS § 604-10.5(e) (2016) permits "jane doe" or "john doe" filings to protect the petitioner's privacy but does not authorize the court to seal documents upon the respondent's request. See HRS § 604-10.5(e) ("The court, only after finding clear and convincing evidence that would make public inspection inconsistent with the purpose of this section, may seal from the public all documents or portions of documents . . . that would identify the petitioner or contain sufficient information from which the petitioner's identity could be discerned or inferred." (emphases added)).