

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

STATE OF HAWAII

JAMES MUNDON,	)	CASE NO.: AB 2021-017(K)
	)	DCD No.: 4-18-00332
Claimant-Appellant,	)	
	)	
vs.	)	D/A: April 9, 2018
	)	
ALTRES, INC.,	)	
	)	
Employer-Appellee,	)	<b>Jul 16 2025, 10:30 am</b>
	)	<b>FILED</b> <small>akw</small>
and	)	Labor and Industrial Relations
	)	Appeals Board
SEDGWICK CMS - HAWAII,	)	
	)	
Insurance Carrier-	)	
Appellee.	)	
	)	

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ORDER TO SHOW CAUSE

On August 27, 2021, Claimant JAMES MUNDON passed away.

On January 17, 2025, the Labor and Industrial Relations Appeals Board issued an Order Holding Case in Abeyance and Notice of Intention to Dismiss ("Order") that held this case in abeyance until May 21, 2025 and ordered Employer ALTRES, INC., to file a declaration, on or before June 10, 2025, stating whether or not a court-appointed special administrator or personal representative of Claimant's estate was appointed on or before May 21, 2025. In the event that a special administrator or personal representative of Claimant's estate was appointed, the Board's Order further directed Employer to provide the special administrator or personal representative with certain

notices and documents pertaining to the above-referenced appeal and to provide the Board with the identity and contact information of the special administrator or personal representative of Claimant's estate, on or before June 10, 2025.

The Board's January 17, 2025 Order explained that pursuant to Hawaii Revised Statutes ("HRS"), Chapter 560, Uniform Probate Code, the Hawaii Circuit Courts have jurisdiction to appoint a special administrator or personal representative to an individual's estate. Because a special administrator or personal representative can only be appointed by a circuit court, the Board notified Employer that it could utilize eCourt\* Kokua<sup>1</sup> to conduct a quick, electronic search of the Hawaii State Judiciary's court records to determine if a special administrator or personal representative has been appointed for Claimant's estate.

On June 10, 2025, Katharine M. Nohr, Esq., attorney for Employer, filed a Declaration Re: Special Administrator. Ms. Nohr stated that she was "advised by John Yuen, Esq. that no special representative was appointed, [sic] because the estate was too small." Ms. Nohr then stated that "no special representative was appointed based on the facts [she has]."

Ms. Nohr's June 10, 2025 submission does not provide adequate assurance to the Board of the absence of any court-appointed personal representative or special administrator for Claimant's estate. Apparently, Ms.

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<sup>1</sup> E.g., eCourt\* Kokua:  
<http://jimspss1.courts.state.hi.us:8080/eCourt/ECC/ECCDisclaimer.iface;jsessionid=10F561DB500CD4C171C64655EEA1B244>

Nohr presumes that no personal representative or special administrator was appointed by the court based solely upon her communication with Mr. Yuen, who attempted to appear before this Board as the attorney for Claimant, after Claimant had died. Simply because Mr. Yuen, whether on behalf of a client or himself, did not pursue the court's appointment as the personal representative or special administrator of Claimant's estate does not necessarily mean that another attorney or person did not pursue the same. Mr. Yuen's representations do not foreclose the possibility that another person or entity was not appointed by the court as the personal representative or special administrator of Claimant's estate.

Conspicuous by its absence was any confirmation that Ms. Nohr had confirmed the absence of a court-appointed personal representative or special administrator of Claimant's estate by conducting a quick, electronic search of the Hawaii State Judiciary court records (e.g., by utilizing eCourt\* Kokua), as explained in the Board's January 17, 2025 Order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT Employer show cause why it should not be sanctioned for failing to file a declaration on or before June 10, 2025, which confirms the result(s) of a search of the Hawaii State Judiciary court records (e.g., eCourt\* Kokua) for a court-appointed personal representative or special administrator of Claimant's estate, consistent with the Board's January 17, 2025 Order.

Employer may respond to this Order to Show Cause ("OSC") by either:

1. Filing a declaration regarding the **status of Employer's search of the Hawaii State Judiciary court records (e.g., eCourt\* Kokua) for a court-appointed special administrator or personal representative of Claimant's estate**, consistent with the Board's January 17, 2025 Order, within 14 days of this OSC; or
2. Requesting a hearing and presenting its response at the hearing. A request for hearing shall be made within 7 days of this OSC.

Failure to respond to this Order to Show Cause may result in the imposition of sanctions, including monetary sanctions, pursuant to HRS, Section 371-4(k).

Dated: Honolulu, Hawai'i,

Jul 16 2025



DAMIEN A. ELEFANTE, Chair



MARIE C.L. LADERTA, Member



HARRY YEE, Member

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*James Mundon v. Altres, Inc., et al.; AB 2021-017(K); Order to Show Cause*

A digital copy of this document was posted on the Board's website and will remain on the Board's website for at least 180 days from the date of filing noted above.

Katharine M. Nohr, Esq.  
For Employer/Insurance  
Carrier-Appellee

A certified copy of the foregoing was served upon the above-captioned parties or their legal representatives on the date of filing noted above.

Order mailed: Jul 16 2025

LABOR APPEALS BOARD - 830 PUNCHBOWL ST, RM 404, HONOLULU, HI 96813 - (808)586-8600

If you need a language interpreter or if you need an auxiliary aid/service or other accommodation due to a disability, please contact the Board at (808) 586-8600 and/or [dlir.appealsboard@hawaii.gov](mailto:dlir.appealsboard@hawaii.gov) as soon as possible, preferably at least ten (10) business days prior to your hearing or conference date. Requests made as early as possible have a greater likelihood of being fulfilled. If a request is received after the reply date, the Board will try to obtain the interpreter, auxiliary aid/service, or accommodation, but the Board cannot guarantee that the request will be fulfilled.

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upon request to individuals with disabilities.  
TDD/TTY Dial 711 then ask for (808) 586-8600

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This certifies that the foregoing is a  
full, true, and correct copy of the  
original on file in this office.

/s/ *A. Watanabe* for LIRAB