

CRM 322 – Sample Case Brief

Case briefs should be approximately 1-2 pages in length and follow the format of the sample brief below.

Parties:

Bretons (Plaintiff) v. Central Pacific Supply Corporation (CPS) (Defendant)

Facts:

The Bretons are sought to cancel the Agreement of Sale of a leasehold interest and for damages. The Bretons alleged that CPS had breached the Agreement by defaulting on the payment due thereon and by vacating the premises.

Prior Proceedings:

This case was originally brought before the Land Court of the City and County of Honolulu, State of Hawaii. The land court, after the trial, found in favor of the Bretons against CPS. Thereafter, CPS filed a motion to set aside the findings of fact, conclusions of law and judgment, and to set the matter for a jury trial. The land court denied the motion.

Issues presented or questions of law:

Does the land court have jurisdiction over the subject matter?

Arguments or objectives of the parties:

In answer to the Breton's petition to cancel Agreement of Sale, one of CPS's defenses was that the land court lacked jurisdiction over the subject matter. Therefore any judgment rendered is invalid.

Holding/rule of Law:

"The land court is a court of limited jurisdiction, created for a special purpose, that of carrying into effect what is known as the Torrens title scheme, derives all of its power from the statutes relating to it, and can exercise no power not found within those statutes." The Bretons' petition and CPS's counterclaim both are breach of contract actions over which the land court does not have jurisdiction.

The judgment of the land court is void for lack of jurisdiction. The appeal is dismissed.

Rationale:

"The lack of jurisdiction over the subject matter cannot be waived by the parties." If the parties do not raise the issue, a court will..." (continues).

Relation of case to the core value of *Integrity*:

This case relates to the core value of Integrity in regard to the failure of CPS to honor the Agreement of Sale per the terms of that agreement. The Bretons sought...(continues).