



Appendix A: Example Motion to Dismiss

The Motion to Dismiss I filed on July 2, 2025, for Citation No. CITATION NUMBER, issued for “Permitting Dogs to Stray” under Hawaii County Code (HCC) 4-30, was the key to my victory. By arguing no injured party, my “without recourse” signature, and the officer’s false “criminal offense” claim, I secured a dismissal without prejudice, avoiding a \$100 fine, potential jail time, legal fees, and a record for my dogs—all without a court appearance. This appendix provides an example Motion to Dismiss based on my case, serving as a blueprint for you to challenge *any* citation with no injured party, whether civil or criminal with jail time, in any state.

To use this example effectively:

- **Customize Details:** Replace my citation details (number, date, statute, incident) with yours. If the officer made no errors, omit that argument and focus on no injured party and “without recourse,” as explained in Chapter 5.
- **Replace Hawaii-Specific Rules:** Swap HCC 4-30, HRS § 143, DCRCRP Rule 12(b)(6), HRPP Rule 12(b), DCRCR Rule 7, and HRS § 641-1 with your state’s equivalent rules or statutes, as outlined in Chapter 4’s “Hawaii-Specific Rules to Replace.” Use Appendix D: Equivalent Replacement Rules Listed by State but double check them using your state’s judicial website or AI tools to find them and double check for accuracy.
- **Include Exhibits:** Attach Exhibit A (photocopy of the front and back your citation with “without recourse” signature) and Exhibit B (Wex “without recourse” definition printout from https://www.law.cornell.edu/wex/without_recourse), per Chapter 4.
- **Request “On the Papers”:** Ask for a decision without a hearing, using your state’s equivalent to DCRCR Rule 7, to avoid having to go to court.
- **Prepare for a Hearing:** If a hearing is scheduled, you must attend to avoid a default ruling. Use Appendix C’s script to present your case confidently. This example motion, when properly customized, leverages universal legal principles—no injured party and “without recourse”—to secure a dismissal. Follow Chapters 4–9 for guidance on drafting, filing, serving, and avoiding mistakes to ensure your motion is a winning one.

Issued by: Jane Doe Smith, living woman,
All Rights Reserved, Without Prejudice
Agent and Attorney-in-Fact for
Jane D Smith, Alleged Defendant.
% [Mailing Address]
Email: jane@email.com

**IN THE DISTRICT COURT OF THE THIRD CIRCUIT, HILO DIVISION
STATE OF HAWAII**

STATE OF HAWAII,) MOTION TO DISMISS CITATION
)
)
Alleged Plaintiff,)
) Citation No. CITATION NUMBER
vs.)
) HEARING NOT REQUESTED
Jane Doe Smith,)
)
Alleged Defendant.)

MOTION TO DISMISS CITATION

COMES NOW, Jane Doe Smith, Respondent, and respectfully moves this Court to dismiss Citation No. CITATION NUMBER for an alleged violation of [LIST VIOLATION FROM CITATION], pursuant to DCRCP Rule 12(b)(6) and HRPP Rule 12(b), on the grounds that the State of Hawaii has no legal claim or right to relief due to Respondent’s “without recourse” signature, the citation’s false claim that HCC 4-30 is a criminal offense, and the absence of an injured party. Respondent requests that this motion be decided on the papers without a hearing, per DCRCP Rule 7, as the legal grounds for dismissal are clear and undisputed.

MEMORANDUM IN SUPPORT

Statement of Facts: On July 1, 2025, at 10:00 AM, Respondent received Citation No. CITATION NUMBER, for alleged violations of HCC 4-30 (“Permitting Dogs to Stray”) reported at [address]. The officer’s statement claims a “loose brown and black dog” was “observed on surveillance” but confirms “No” injury, indicating no injured party. The citation falsely states that HCC 4-30 is a “criminal offense” and that the officer, on behalf of the Plaintiff, declares under penalty of law that Respondent committed a criminal offense. Respondent signed the citation “without recourse,” invoking the legal principle that the State of Hawaii has no legal claim or right to relief.

1. Legal Argument: “Without Recourse” Bars Claim: The Legal Information Institute’s Wex legal dictionary defines “without recourse” as “one party has no legal claim against another party” and cannot obtain relief, such as fines or penalties. This principle applies universally to all legal contexts, including citations under HCC 4-30. By signing Citation No. CITATION NUMBER “without recourse,” Respondent declared that the State of Hawaii has no legal claim or right to enforce penalties, with no exceptions or conditions. No Hawaii statute, including HCC 4-30 or HRS § 143, overrides this principle. The citation fails to state a claim upon which relief can be granted, per DCRCP Rule 12(b)(6).
2. False Claim of Criminal Offense: The citation’s assertion that HCC 4-30 is a “criminal offense” is legally incorrect. HCC 4-30 imposes civil penalties (e.g., fines of \$25–\$100) for permitting dogs to stray, per HRS § 143, and is not a criminal offense absent injury or aggravating factors, as confirmed by the officer’s “No” injury notation. The officer’s declaration under penalty of law that Respondent committed a

criminal offense is false, rendering the citation defective under HRPP Rule 12(b).

This legal error invalidates the State of Hawaii's claim, as Public officials and the judiciary are obligated to uphold the law in accordance with established legal principles, truth and statutory authority.

3. No Injured Party: The citation confirms no injured party, as the officer checked "No" for injury. Absent harm, the State of Hawaii's claim is baseless, especially under "without recourse," which bars any claim or relief. This supports dismissal under DCRCPC Rule 12(b)(6).
4. Anticipated State of Hawaii Responses: The State of Hawaii may argue that "without recourse" means non-admission of guilt, that HCC 4-30 authorizes enforcement, or that evidence (e.g., surveillance) supports the violation. These fail, as the Wex definition bars all claims, no statute overrides it, and evidence is irrelevant. The State of Hawaii may claim the criminal offense label is a clerical error, but the officer's false declaration under penalty of law is a material defect, invalidating the citation. A hearing is unnecessary, as these legal issues are clear.
5. Misapplication as Error: Any interpretation that "without recourse" means non-admission of guilt, preserving a right to contest, or allowing relief with evidence is a misapplication of the law. Similarly, upholding a citation based on a false criminal offense claim violates the principle that Public officials and the judiciary are obligated to uphold the law in accordance with established legal principles and statutory authority. The Wex definition is absolute and binding, and any deviation constitutes a legal error.

6. Request for Relief: Respondent requests that Citation No. **CITATION NUMBER** be dismissed with prejudice, as the State of **Hawaii** has no legal claim or right to relief. Respondent further requests that this motion be decided on the papers without a hearing, per **DCRCP Rule 7**, as the legal issues—Respondent’s “without recourse” signature, the false criminal offense claim, and the absence of an injured party—are clear and require no oral argument. Should the Court deny this motion, Respondent notes that misapplication of “without recourse” or reliance on a false criminal offense claim is grounds for appeal to the **Third Circuit Court under HRS § 641-1**.

DATED: July 2, 2025

Jane Doe Smith,
Agent and Attorney-In-Fact for **Jane Doe Smith**

Certificate of Service

I certify that a copy of this motion was served on the State of **Hawaii, Corporation Counsel**, at **[Mailing Address]**, by certified mail # **[NUMBER]** on **[DATE]**.

Jane Doe Smith,
Agent and Attorney-In-Fact for **Jane Doe Smith**

Exhibits:

A: Copy of Citation No. **CITATION NUMBER** showing “without recourse” signature.

B: Copy of Wex definition of ‘without recourse’

(www.law.cornell.edu/wex/without_recourse).

Exhibit A


Copy of Citation No. **CITATION NUMBER** showing “without recourse” signature.

[INSERT COPY OF THE FRONT OF CITATION]


[INSERT COPY OF THE FRONT OF CITATION]

Exhibit B:

Copy of Wex definition of ‘without recourse’



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without recourse

Without recourse is a phrase meaning that one party has no legal claim against another party. It is often used in two contexts:

- In [litigation](#) , someone *without recourse* against another party cannot file a [lawsuit](#) (sue) that party, or at least cannot obtain adequate [relief](#) even if a lawsuit moves forward. Someone completely without recourse cannot sue anyone for an alleged [injury](#) , or cannot obtain any [relief](#) even if lawsuits are filed.
- In financial [transactions](#) , *without recourse* disclaims any [liability](#) to the subsequent holder of a [financial instrument](#) . Thus, [endorsing](#) a check and adding *without recourse* to the signature means that the endorser takes no responsibility if the check bounces for insufficient funds.

[Last reviewed in July of 2024 by the [Wex Definitions Team](#)]