

No. _____

25-7108

ORIGINAL

FILED

MAR 19 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Celeste M. Gonsalves PETITIONER
(Your Name)

Stuart B. Glauberman, by his
Managing KFG Properties, Inc. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Hawaii Supreme Court
Intermediate Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Celeste M. Gonsalves
(Your Name)

P.O. Box 620
(Address)

Kailua, Hawaii 96734
(City, State, Zip Code)

808-364-7531
(Phone Number)

QUESTION PRESENTED

Whether a state court violates Title II of the Americans with Disabilities Act and the Fourteenth Amendment by denying a medically supported request for a continuance as a reasonable modification necessary for a disabled litigant to participate in court proceedings, where the record contains a doctor's letter stating incapacity covering the hearing date yet the court proceeds in the litigant's absence, and where the state appellate court has issued inconsistent rulings on materially indistinguishable facts and the state supreme court denied review despite the preserved federal question?

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

Stuart B. Glauberman, by his Managing Agent KFG Properties, INC. v. Celeste M. Gonsalves

RELATED CASES

1.) Koolaupoko District Court Case: 1DRC-21-0002121 Stuart B. Glauberman, by his Managing Agent, KFG Properties, INC. v. Celeste M. Gonsalves ***Eviction Possession***.

2.) Hawaii Supreme Court Original Pleading: Emergency Writ of Mandamus for Violations of ADA Denial in Case: SCPW-23-0000333.

TABLE OF CONTENTS

OPINIONS BELOW..... 1

JURISDICTION..... 2

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED 3

STATEMENT OF THE CASE 4, 5

REASONS FOR GRANTING THE WRIT 6, 7

CONCLUSION..... 8

INDEX TO APPENDICES

APPENDIX A: Hawaii ICA Summary Disposition Order in Case: CAAP-23-0000341 Dated June 16, 2025

APPENDIX B: Koolaupoko District Court Final Judgment Order in Koolaupoko District Court Case: 1DRC-21-0002121 Dated May 9, 2023

APPENDIX C: Hawaii Supreme Court Rehearing Denial in Case: SCWC-23-0000341 Dated October 21, 2025

APPENDIX D: Petitioner’s Application for a Writ of Certiorari to the Hawaii Supreme Court Case: SCWC-23-0000341 Dated September 15, 2025

APPENDIX E: Petitioner’s Motion to Continue in Koolaupoko District Court Case: 1DRC-21-0002121 Dated April 11, 2023

APPENDIX F: Petitioner’s Motion to Set Aside Default Judgment in Koolaupoko District Court Case: 1DRC-21-0002121 Dated April 17, 2023

APPENDIX G: Hawaii ICA Summary Disposition Order in Case: CAAP-23-0000127 Dated August 8, 2025

APPENDIX H: Petitioner’s Hawaii ICA Opening Brief in Case: CAAP-23-0000341, in Relevant Parts Pages: 1, 10, 11, & 21

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Hawaii Intermediate Court of Appeals court appears at Appendix A to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was _____

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from state courts:

The date on which the highest state court decided my case was June 16, 2025
A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: October 21, 2025 and a copy of the order denying rehearing appears at Appendix C.

An extension of time to file the petition for a writ of certiorari was granted to and including March 20 (date) on January 7, (date) in Application No. 25A 180. 2026 2026

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. XIV

42 U.S.C. § 12132

42 U.S.C. § 12131(1)

28 C.F.R. § 35.130(b)(7)(i)

STATEMENT OF CASE

Plaintiff-Appellant Celeste M. Gonsalves is a pro se litigant who suffers from chronic mental illness as a disabled person under a protected class. She requested a continuance and reasonable accommodations under the Americans with Disabilities Act (ADA) to manage her health while attending court hearings in the Hawaii District Court, Koolauapoko Division in Case: 1DRC-21-0002121 for a Trial for Damages against the prior Eviction Possession case associated with this case. On April 12, 2023, the administrative judge denied her Motion for Continuance despite a doctor's letter explaining the severity of her condition in correlation with the upcoming loss of her father **Appx: E**.

Subsequently, Plaintiff filed a Motion to Set Aside Default Judgment, submitting additional medical documentation, which included documentation of her mental instability and suicidal ideation just a week prior, with hospital records and an updated doctor's letter, after suffering acute health effects at the courthouse **Appx: F**. The trial court denied the motion, compelling Plaintiff to proceed on appeal.

Relevant portions of Petitioner's Opening Brief in ICA Case: CAAP-23-0000341, including the first page, Points of Error, Argument section, and last page with signature, are included in **Appx: H** demonstrate that the federal ADA question was properly preserved for appellate review.

Plaintiff's situation mirrors that in Gilliam v. Elliott, Hawaii Intermediate Court of Appeals Summary Disposition Order, where the court vacated a dismissal and remanded after the denial of a continuance despite submission of a doctor's letter with dates including the hearing **Appx: G**. The inconsistency between the treatment of materially

indistinguishable facts in Gilliam and Plaintiff's case demonstrates a split in the Hawaii courts' handling of ADA accommodations and medical documentation.

Plaintiff additionally sought for relief in the Hawaii Supreme Court, denied **Appx: C**, with an application for a Writ of Certiorari preserving her federal ADA question for review of this Court. **Appx: D**.

REASONS FOR GRANTING THE PETITION

Petitioner's federal question arises under the Americans with Disabilities Act (42 U.S.C. §§ 12131–12132) and its implementing regulations (28 C.F.R. § 35.130(b)(7)(i)), as well as the Equal Protection and Due Process Clauses of the Fourteenth Amendment. Petitioner requested a continuance and reasonable accommodations for her chronic mental illness while attending court hearings in the Hawai'i District Court, Koolau-poko Division. The administrative judge denied the continuance despite submission of a doctor's letter documenting the severity of her condition and the critical dates involved **Appx: E**. Following acute health effects at the courthouse, Petitioner submitted additional medical documentation, including hospital records and an updated doctor's letter, in her Motion to Set Aside Default Judgment, which was also denied **Appx: F**.

The Hawai'i Intermediate Court of Appeals has recognized that denial of a continuance when supported by a doctor's note covering the hearing dates constitutes an abuse of discretion, as in *Gilliam v. Elliott*, Hawai'i ICA Summary Disposition Order **Appx: G**. The facts of Petitioner's case are materially indistinguishable from *Gilliam*, yet Petitioner was treated differently, demonstrating a split or inconsistent application of the law regarding ADA accommodations and medical evidence **Appx: A**. Petitioner provides references from her Opening Brief in ICA Appeal Case: CAAP-23-0000341 to further establish that Plaintiff-Appellant raised and argued the federal ADA question before the Hawaii Intermediate Court of Appeals, demonstrating that this issue had been fully preserved for merits review by this Court **Appx: H**.

Petitioner also sought relief through a Writ of Certiorari in the Hawai'i Supreme Court, challenging both the denial of ADA accommodations and the ICA's inconsistent treatment of materially indistinguishable cases, which was denied, thereby preserving her federal question for review **Appx: D**. These circumstances establish a substantial federal issue warranting review by this Court.

Petitioner's inability to obtain accommodations imposed severe, unnecessary hardship and exacerbated her chronic mental illness, demonstrating the real-world consequences of inconsistent application of ADA protections.

Because this issue implicates the rights of litigants with disabilities under the ADA nationwide, it presents a matter of public importance, including for Hawaii courts. Recognition of this unsettled situation would help protect the most vulnerable populations, including persons with disabilities and to ensure their rights are respected.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Celeste M. Gonsalves

Date: March 19, 2026