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THIRD CIRCUIT
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S.P. NO. 3CSP-20-0000022

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

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| IN THE MATTER OF THE<br><br>CIRCUIT COURT OF THE THIRD CIRCUIT'S RESPONSE TO THE COVID-19 OUTBREAK | (SPECIAL PROCEEDING)<br><br>FIFTH AMENDED EMERGENCY ORDER #3 REGARDING CIRCUIT COURT OF THE THIRD CIRCUIT, CIVIL MATTERS |

FIFTH AMENDED EMERGENCY ORDER #3 REGARDING
CIRCUIT COURT OF THE THIRD CIRCUIT, CIVIL MATTERS

This matter comes before the Court in light of the global public health emergency in the State of Hawai'i.

The recent increase in coronavirus disease 2019 (COVID-19) cases on the Island of Hawai'i, and across the State of Hawai'i, constitute exceptional and extraordinary circumstances. Pursuant the Order of the Chief Justice Mark E. Recktenwald filed March 16, 2020 under SCMF No. 20-0000152 regarding the COVID-19 to significantly reduce the need for in-court appearances and other restrictions; Governor David Ige's declared state of emergency in Hawaii in response to the public health threat posed by COVID-19; the United Nations World Health Organization's designation of COVID-19 as a global public health emergency on January 30, 2020 and a global pandemic on March 11, 2020; the

March 13, 2020 Declaration of a national emergency by the President of the United States beginning March 1, 2020 pursuant to the National Emergencies Act (50 USC 1601 *et seq.*); the Order Regarding Jury Trials filed September 4, 2020, under SCMF No. 20-0000152, and with the authority as Chief Judge of the above-entitled Court,

**IT IS HEREBY ORDERED:**

1. All civil jury trials are postponed to a date after November 13, 2020. If you have a jury trial date set before that date, please arrange for a trial resetting conference via Zoom video conferencing. Motions to advance may be considered if the pandemic abates.
2. All bench trials, evidentiary hearings, motions for summary judgment, dismissal, and temporary restraining orders/preliminary injunctions shall be remotely conducted via Zoom video conferencing. Any party may submit an *ex parte* motion for in-person bench trial or hearing; whether it can be safely conducted, will be at the discretion of the trial judge.
3. All other motions shall be submitted to the court presented as a non-hearing motion pursuant to Rule 8 of the Rules of the Circuit Courts, State of Hawai'i ("RCCH"). Any party seeking a Zoom video conferencing hearing must submit to the respective court a written application for oral/video conference hearing. Written requests for in-person hearings shall be requested as outlined in paragraph 2, herein above. Accommodations for telephone participation may be authorized by the trial court upon a showing of good cause and need.
4. Courtesy copies of any and all filed motion, non-hearing motion, or other documents responding, supplementing and or pertaining to a motion under RCCH 7.2(g)(6) shall be delivered to the assigned judge's chambers in a

timely fashion. This requirement shall be strictly enforced, and failure to comply with this provision of the rule may result in sanctions.

5. All motions for remote hearings via Zoom conferencing shall include in the title "Notice of Zoom Remote Hearing" and include the following language in the notice of hearing:

   The foregoing motion will be heard via Zoom remote conferencing on _____, 20__ at _____ __m., in the Circuit Court of the Third Circuit, by the above-entitled Court. You are directed to appear remotely via Zoom video conferencing 15 minutes prior to the scheduled time. Your Zoom conference ID is: _____, no password is required. Non-attorney participants unable to participate by video may call **1 669 900 9128** to participate by telephone by using the above noted Zoom video conference ID.

6. All attorneys shall enter a user name that sets forth their full name and includes the suffix "Esq.", to be allowed into any Zoom video conference. All parties shall enter a user name that sets forth their full name. Failure to comply may result in sanctions. All attorneys and parties shall dress appropriate for all remote court proceedings.

7. Third Circuit Zoom video conference ID's are designated as follows:

   Division 1, Hon. Peter Kubota: 926 8229 1569

   Division 2, Hon. Henry Nakamoto: 966 9617 0927

   Division 3, Hon. Robert Kim: 611 203 9134

   Division 4, Hon. Wendy DeWeese: 610 665 7731

8. This Order may be modified or extended as circumstances warrant, but absent further action this Order shall remain in full force and effect. The provisions

of this Order do not limit a trial court's discretion to entertain in-person hearings.

Dated: Kailua-Kona, Hawaii, 9.15.2020.

Hon. Robert D. S. Kim, Chief Judge
Circuit Court of the Third Circuit, State of Hawai'i