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THIRD CIRCUIT
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SP. NO. 3CSP-20-00000-22

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAI'I

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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>AMENDED EMERGENCY ORDER #1 RE: THIRD CIRCUIT PROBATE CALENDAR<br><br>(1) SUSPENDING IN-PERSON HEARINGS FOR ALL MATTERS UNTIL FURTHER NOTICE<br><br>(2) IMPLEMENTING PROCEDURAL CHANGES FOR ALL MATTERS UNTIL FURTHER NOTICE |

AMENDED EMERGENCY ORDER #1 RE: THIRD CIRCUIT PROBATE CALENDAR

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

Pursuant to the Orders of Chief Justice Mark E. Recktenwald filed March 16, 2020, Order Directing Courthouse Closures filed March 20, 2020, Order Regarding Trials filed April 17, 2020, Order Regarding Remote Court Procedures filed April 24, 2020, and Order Regarding Judiciary Operations filed April 27, 2020 under SCMF No.

20-0000152 regarding the coronavirus disease 2019 (COVID-19) and with authority as Interim Chief Judge of the above-entitled- Court, IT IS HEREBY ORDERED:

1. The following changes to procedure shall apply to all petitions before the Probate Court, including but not limited to:
    a. Probates
    b. Conservatorships
    c. Guardianships
    d. Trusts;

Hearings Generally

2. All in-person hearings for matters before the Probate Court are suspended as of the date of this Order until after May 29, 2020, or after termination of the state of emergency as declared by Governor Ige, whichever is sooner;
3. Absent a request or need for a video/telephonic hearing, the Court, pursuant to Rule 8 of the Rules of the Circuit Court of Hawai'i, shall issue decisions on its own motion via Minute Order for all pending petitions without oral argument;
4. Matters requiring video/telephonic hearings include, but are not limited to, petitions regarding:
    a. Contested matters generally
    b. Appointment of a conservator
    c. Appointment of a guardian
    d. Confirmations of sale of real property
    e. Other matters where counsel knows that an interested person plans to attend;

5. Video/Telephonic hearings in all other matters will be available upon request.
6. Unless otherwise continued or taken off calendar, video/telephonic hearings shall be held on their originally scheduled date;

Procedure for Video/Telephonic Hearings

7. No later than three days before the scheduled hearing date, parties requesting a video/telephonic hearing shall contact the assigned court and submit a written request to appear by video/phone and provide the following information:
    a. Case number
    b. Case name
    c. Contact information including email addresses for all parties, including interested persons planning to attend;
8. The day of the hearing, the procedure shall be as follows:
    a. The Court shall call cases at their pre-assigned times
    b. Parties appearing by video shall call the assigned phone number and code. Parties appearing by phone shall call the assigned court at least five (5) minutes before the scheduled hearing.

Delivery of Documents

9. The Court will not require courtesy copies to be delivered to Chambers, effective immediately and until further notice;
10. The Court will still require copies of proposed documents, such as proposed orders and judgments, to be delivered to Chambers, regardless of whether electronically filed.

IT IS SO ORDERED:

DATED: Kailua-Kona, Hawai'I April 29, 2020

/s/Melvin H. Fujino
Hon. Melvin H. Fujino, Interim Chief Judge
Third Circuit Court, State of Hawai'i