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FIFTH CIRCUIT
5CSP-20-0000009
29-APR-2020
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IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT

STATE OF HAWAIʻI

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| In the Matter of the | ) | 5CSP-20-0000009 |
| | ) | |
| CIRCUIT COURT OF THE FIFTH CIRCUIT'S RESPONSE TO THE COVID-19 OUTBREAK | ) | AMENDED EMERGENCY ORDER #4 REGARDING DISTRICT COURT OF THE FIFTH CIRCUIT |

AMENDED EMERGENCY ORDER #4 REGARDING

DISTRICT COURT OF THE FIFTH CIRCUIT

This matter comes before the Court in light of the public health emergency in the State of Hawaiʻi.

Pursuant to the Orders of Chief Justice Mark E. Recktenwald filed March 16, 2020, April 17, 2020, April 24, 2020, and April 27, 2020 under SCMF No. 20-0000152 regarding the coronavirus (COVID-19) and with authority as Chief Judge of the above-entitled Court, IT IS HEREBY ORDERED:

1. The following shall apply to all district court criminal proceedings:
    a. All criminal and criminal traffic cases involving defendants in the custody of the Kauai Community Correctional Center (KCCC), the Hawaiʻi State

Hospital (HSH), and/or the Kauai Police Department (KPD) will proceed as scheduled.

b. All criminal and criminal traffic cases involving defendants who are not in the custody of KCCC, HSH, and/or KPD will be postponed until after May 29, 2020.

2. As to the mental health calendar, and concerning matters under Hawai‘i Revised Statutes Chapter 704, hearings on (1) Order for Temporary Hospitalization; (2) Motion to Revoke Conditional Release; (3) Motion to Revoke Release on Conditions; and (4) any essential hearings will proceed as scheduled. All other hearings shall be postponed until after May 29, 2020.

3. As to felony matters:

   a. All initial appearances in felony matters will proceed as usual.

   b. All preliminary hearings in felony matters will proceed as usual.

4. The following shall apply to all district court civil proceedings:

   a. All trials will be postponed until after May 29, 2020.

   b. All answers, returnables, hearings, motions, status conferences, and settlement conferences will be postponed until after May 29, 2020.

   c. All pre-trial conferences shall be held via telephone conference until after May 29, 2020.

   d. All district court temporary restraining order matters under Haw. Rev. Stat. § 604-10.5 will proceed as usual. Temporary restraining orders based on illegal lockouts and utility shutoffs will proceed as usual.

5. All in-person traffic infraction cases will be postponed until after May 29, 2020.

6. The Deputy Chief Judge of the District Court, Fifth Circuit, may issue additional orders and adjust court operations consistent with this Order and the Orders issued by Chief Justice Recktenwald in SCMF No. 20-0000152, *In re the Judiciary's Response to the COVID-19 Outbreak.*

IT IS HEREBY ORDERED.

DATED: Lihue, Kauai, Hawai'i, 4-29-20

Hon. Randal G.B. Valenciano, Chief Judge
Fifth Circuit Court, State of Hawai'i