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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

IN THE MATTER OF THE CIRCUIT COURT OF THE THIRD CIRCUIT'S RESPONSE TO THE COVID-19 OUTBREAK	(SPECIAL PROCEEDING) EMERGENCY ORDER #6 REGARDING FORECLOSURE CASES FILED IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

EMERGENCY ORDER #6 REGARDING FORECLOSURE
CASES FILED IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

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

The recent increase in the 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 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 Extending

June 26, 2020 Order Regarding Foreclosure Or Non-Judicial Foreclosure Related Actions: Certification Of Compliance With The Coronavirus Aid, Relief, and Economic Security Act In Foreclosures filed August 28, 2020, under SCMF No. 20-0000152, and with the authority as Chief Judge of the above-entitled Court,

IT IS HEREBY ORDERED:

1. To prevent potential public gatherings at auctions site at properties already ordered to be foreclosed:

    a. All public sales of property previously ordered to be sold pursuant to Hawai'i Revised Statutes § 667-20, as amended, shall be postponed until further notice and order of the Court;

    b. All open houses scheduled for purposes of any court ordered public sale shall be postponed until further notice and order of the Court; and,

    c. Court-appointed commissioners shall take all reasonable and necessary steps to comply with these orders, including postponing scheduled public auctions and sales in accordance with these orders, in accordance with the requirements of Hawai'i Revised Statutes § 667-20.

2. All in-person hearings in foreclosure cases are suspended as of the date of this Order until further order of the Court.

3. All motions for summary and/or default judgment, and confirmations of sale shall be held via Zoom video conferencing and 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.

4. All attorneys shall enter a user name that sets forth their full names 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.

5. All other Motions shall be submitted to the court presented as a non-hearing petitions pursuant to Rule 8 of the Rules of the Circuit Courts, State of Hawai'i ("RCCH"). The Court shall issue its decision via minute order without oral argument. Any party seeking a Zoom video conferencing hearing or in-person hearing for these petitions must submit to the respective court a written application for oral/video conference hearing. Accommodations for telephone participation may be authorized by the trial court upon a showing of good cause and need. Ex Parte Motions for extensions of time are authorized.

6. 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

7. Courtesy copies of any and all filed Motions, or other documents responding, supplementing and or pertaining to a petition 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. Copies of all proposed orders and judgments electronically filed are to be delivered to the appropriate probate court chambers.

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