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SP. No. 1DSD-20-0000005

IN THE DISTRICT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI`I

In the Matter of the DISTRICT COURT OF THE FIRST CIRCUIT'S ADDITIONAL RESPONSE TO THE COVID-19 OUTBREAK	)	EMERGENCY ORDER REGARDING SUMMARY POSSESSION AND EJECTMENT CASES FILED WITH THE DISTRICT COURT OF THE FIRST CIRCUIT; EXHIBITS 1-2

EMERGENCY ORDER REGARDING SUMMARY POSSESSION
AND EJECTMENT CASES FILED WITH THE DISTRICT COURT OF THE FIRST CIRCUIT

This matter comes before the Court in light of the public health emergency in the State of Hawai`i and the current eviction moratorium as set forth in Governor David Y. Ige's Seventeenth Proclamation Related to the COVID-19 Emergency (dated December 16, 2020 and effective through February 14, 2021).

To further protect the health and safety of First Circuit District Court employees and all court participants, and pursuant to the Orders of Chief Justice Mark E. Recktenwald filed in SCMF No. 20-0000152, In re the Judiciary's Response to the COVID-19 Outbreak; the Orders of Chief Judge R. Mark Browning filed in SP No. 1CSP-20-0000082, In re the Circuit Court of the First Circuit's Response to the COVID-19 Outbreak; and with authority as Deputy Chief Judge of the District Court of the First Circuit, State of Hawai`i, the Court hereby orders as follows:

1. *Mediation strongly encouraged.* Parties with landlord-tenant disputes are encouraged to mediate their disputes before initiating court action. Free mediation services are currently available in all District Courts through the Mediation Center of the Pacific, Inc.

Hours: Monday through Friday, 8:30 a.m. to 4:30 p.m.

Telephone: (808) 521-6767

Cost: Free

Online, telephone, video-conference and in-person mediation sessions are available.

2. *Legal advice for self-represented litigants available through the Honolulu Access to Justice Room.* Self-represented litigants (*i.e.*, people without attorneys) seeking legal advice in landlord-tenant and other civil matters in District Court may request telephonic assistance through the Honolulu Access to Justice Room.

Hours: Monday, Wednesday, and Friday between 9:00 a.m. to 1:00 p.m.

Telephone number: (808) 538-5629

Cost: Free

The Honolulu District Court Service Center will refer calls to the Honolulu Access to Justice Room. In-person appointments at the Honolulu Access to Justice Room are not currently available. Information about the Access to Justice Room is available at:

https://www.courts.state.hi.us/general_information/access_to_justice_rooms_self_help_centers

3. *Cases covered by the eviction moratorium.* There shall be no civil pretrial conferences, court-mandated settlement conferences, returnables, motions, hearings, trials or other court proceedings in cases "to terminate any tenancy for a residential dwelling unit, for failure to pay all or any portion of the rent, maintenance fees, utility charges, taxes or other fees required for the residential dwelling unit" as set forth in Governor David Y. Ige's Seventeenth

Proclamation Related to the COVID-19 Emergency (dated December 16, 2020 and effective through February 14, 2021).

In the event a case currently set on the returnable calendar seeks "to terminate any tenancy for a residential dwelling unit, for failure to pay all or any portion of the rent, maintenance fees, utility charges, taxes, or other fees" as set forth in Governor David Y. Ige's Seventeenth Proclamation Related to the COVID-19 Emergency (dated December 16, 2020), the presiding judge shall (i) reschedule the returnable hearing to a date after February 14, 2021, if the Complaint was filed on or before April 16, 2020, (*i.e.*, prior to the effective date of Governor David Y. Ige's Fifth Supplementary Proclamation Related to the COVID-19 Emergency dated April 16, 2020), or (ii) dismiss the case if the Complaint was filed on or after April 17, 2020.

4. *Cases excluded from the eviction moratorium and cases filed after the moratorium ends.*

a. *Complaints.* Beginning on January 4, 2021, parties filing complaints for summary possession or ejectment in the District Court of the First Circuit shall use the Summons attached hereto as Exhibit 1.

b. *Written answers or general denials in lieu of remote and/or in-court appearances in possession and ejectment cases.* Defendants in summary possession and ejectment cases may file written answers or general denials in lieu of in-person appearances at returnable hearings. Written answers or general denials must be served on all parties and filed within the time periods set forth in the District Court Rules of Civil Procedure. Defendants who file written answers or general denials are responsible for checking eCourt Kokua for all future court dates, including pretrial conference dates.

c. *Returnable hearings.* The initial court date in summary possession and ejectment cases is called a returnable. Plaintiffs and Defendants in summary possession and ejectment cases must appear at returnable hearings. If a Plaintiff fails to appear, the complaint may be dismissed. If a Defendant fails to appear, a default may be entered. Beginning on January 4, 2021, returnable hearings for summary possession and ejectment cases filed on or after January 4, 2021, will be scheduled on the following dates:

Cases filed in the Wai`anae Division: Tuesday mornings

Cases filed in the Wahiawā Division: Wednesday mornings

Cases filed in the `Ewa Division: Thursday mornings

Cases filed in the Kāne`ohe Division: Friday mornings

Cases filed in the Honolulu Division: Friday mornings and afternoons

d. *Remote appearances encouraged for returnable hearings.* Returnable hearings will be conducted remotely by Zoom and in-person. Parties are encouraged to appear remotely via Zoom. If a party is unable to appear via Zoom, the party may appear in-person.

e. *Pretrial conferences.* Summary possession and ejectment cases that are not resolved at returnable hearings may be set for pretrial conferences. Pretrial conferences will be conducted remotely by Zoom and in-person. Parties are encouraged to appear remotely via Zoom. If a party is unable to appear via Zoom, the party may appear in-person.

5. *Information about remote Zoom hearings.*

a. *Instructions.* Instructions on "How to Join a Court Remote Hearing Using Zoom" are available at:

https://www.courts.state.hi.us/wp-content/uploads/2020/06/How-to-Log-Onto-Zoom-Guide5-28-2020_final.pdf

A copy of these instructions are attached as Exhibit 2. Additional information is also available on the Judiciary's website at:

https://www.courts.state.hi.us/remote-court-hearings-via-zoom-or-webex

b. *Zoom ID numbers.* The current Zoom meeting IDs for the District Court courtrooms are:

Wai`anae: 483 947 9811

Wahiawā: 357 427 7279

`Ewa: 779 575 4192

Kāne`ohe: 928 747 9610

Honolulu Courtroom 10A: 936 4644 0201

Honolulu Courtroom 10B: 669 372 3318

These meeting numbers are subject to change. Remote court hearings are open to the public. Parties, attorneys, and members of the public are advised to dress and behave appropriately.

c. *Pilot project regarding the digital divide.* The Hawai`i Supreme Court Law Library (SCLL) launched a pilot kiosk dedicated to District Court litigants who do not have access to technology to participate in District Court remote hearings. The pilot kiosk is available by appointment only. Litigants may call or e-mail SCLL to schedule an appointment.

Telephone: 539-4964

Email: lawlibrary@courts.hawaii.gov

Appointment times: Monday through Friday, from 8:15 a.m. to noon

All participants must abide by COVID-19 building safety rules.

The public can also connect to library staff via the SCLL virtual reference desk optimized for mobile devices at:

https://histatelawlibrary.com/home/virtual-reference-desk/

The pilot project is subject to change by the SCLL.

6. *Court service hours.* General court services in civil cases are available through the Legal Documents Branch on the third floor of the Honolulu District Court. They are open Monday through Friday, 7:45 a.m. to 4:00 p.m.

7. *General matters.* No person shall enter any Judiciary facility in the First Circuit if that person has: (i) a fever, a cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness; (ii) traveled outside Hawai‘i in the past 14 days and have not satisfied the negative test exception to the mandatory 14-day quarantine and any subsequent testing requirements set forth by the City and County of Honolulu; or (iii) had close contact with a person who has or is suspected to have COVID-19.

Furthermore, any person entering any Judiciary facility shall wear an appropriate face covering as described and recommended by the Centers for Disease Control and Prevention (both inside and outside the courtroom), unless exempt, and shall maintain appropriate social distancing of at least six feet while visiting Judiciary facilities (both inside and outside the courtroom).

IT IS SO ORDERED.

DATED: Honolulu, Hawai`i, December 29, 2020.

/s/ Melanie May
Melanie May
Deputy Chief Judge, District Court of the First Circuit Court, State of Hawai`i

Exhibit 1

IN THE DISTRICT COURT OF THE FIRST CIRCUIT _____ DIVISION STATE OF HAWAI'I	
Plaintiff	Reserved for Court Use Civil No.
Defendant	Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number

SUMMONS

THE STATE OF HAWAI'I:

TO: The Director of Public Safety of the State of Hawai'i, the Director's deputy, or any police officer or other person authorized by the laws of the State of Hawai'i:

This Summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a Judge permits, in writing on this Summons, personal delivery during those hours.

TO THE DEFENDANT:

You are required to file a written answer or appear before the District Judge of this Court, in the Judge's Courtroom, on the day and at the time designated by the checked box on page 2. If the Defendant is a corporation or limited liability company, Hawai'i law requires it to be represented by an attorney licensed to practice in the State of Hawai'i.

IF YOU OR YOUR ATTORNEY FAIL TO ATTEND THE COURT HEARING AT THE TIME AND PLACE DESIGNATED OR FILE A WRITTEN ANSWER A DEFAULT JUDGMENT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

NOTICE TO PARTIES: (Honolulu Division only): If this case involves a residential lease and if the Defendant(s) disagrees with the statements in the Complaint, the Court may require the parties to submit their dispute to mediation at the Pre-Trial conference that will be scheduled on the Monday, not a holiday. If the Monday following your court date is a holiday, the Pre-Trial conference will occur on the next business day. If the parties are not able to resolve the dispute within 20 minutes of mediation, the Court will set a trial date.

Date:	Clerk

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COURT ADDRESSES AND RETURNABLE DAYS:

☐ **Honolulu Division, 1111 Alakea Street, Tenth (10th) floor Courtroom 10A or 10B, Honolulu, Hawai‘i**

☐ at 8:30 a.m. ☐ 1:30p.m. on Friday, _____ for summary possession. If the Defendant is served with the complaint within five business days of the date listed above, the Plaintiff and Defendant shall appear on the Friday after the date listed above. For remote appearance go to www.zoom.us Meeting ID 936-4644-0201 or call 1 (888) 788-0099.

or

☐ at 1:30 p.m. on the second Monday following date of service, and should that Monday be a legal holiday then on the next business day. For remote appearance go to www.zoom.us Meeting ID 669-372-3318 or call 1 (888) 788-0099.

☐ **‘Ewa Division, 870 Fourth Street, Pearl City, Hawai‘i**

at 9:00 a.m. on the second Thursday following date of service, and should that Thursday be a legal holiday then on the next Thursday. For remote appearance go to www.zoom.us Meeting ID 779-575-4192 or call 1 (888) 788-0099.

☐ **Ko‘olaupoko OR Ko‘olauloa Division, 45-939 Po‘okela Street, Kāne‘ohe, Hawai‘i**

at 9:00 a.m. on the second Friday following date of service, and should that Friday be a legal holiday then on the next Friday. For remote appearance go to www.zoom.us Meeting ID 928-747-9610 or call 1 (888) 788-0099.

☐ **Wahiawā OR Waialua Division, 1034 Kilani Avenue, Wahiawā, Hawai‘i**

at 9:00 a.m. on the second Wednesday following date of service, and should that Wednesday be a legal holiday then on the next Wednesday. For remote appearance go to www.zoom.us Meeting ID 357-427-7279 or call 1 (888) 788-0099.

☐ **Wai‘anae Division, 4675 Kapolei Parkway, Kapolei, Hawai‘i**

at 9:00 a.m. on the second Tuesday following date of service, and should that Tuesday be a legal holiday then on the next Tuesday. For remote appearance go to www.zoom.us Meeting ID 483-947-9811 or call 1 (888) 788-0099.

Remote appearances may be available for a limited time due to ongoing COVID-19 pandemic emergency. If you receive this summons and are unsure of your court date or if remote appearances are still available, please call 808-538-5629.

Mailing address for the Courts: **1111 Alakea Street, Legal Documents Branch, Third (3rd) floor, Honolulu, Hawai‘i 96813**

In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require an accommodation for a disability when working with a court program, service, or activity, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days before your proceeding, hearing, or appointment date. **For Civil related matters, please call 538-5629 or visit the District Court at 1111 Alakea Street, Legal Documents Branch - Third (3rd) Floor.**

Exhibit 2

How to Join a Court Remote Hearing Using Zoom

This guide provides step-by-step instructions for joining a Court Remote Hearing via Zoom. Use one of the three options below: 1) Use the Zoom App; 2) Use your web browser; or 3) Call-in.

Please have the meeting information and your telephone with you at all times during the meeting. In the case of a technical difficulty or disconnection, promptly call in to the meeting using your telephone and the call-in number. See option #3 for call in instructions.

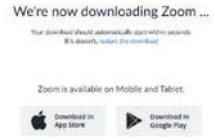
OPTION 1 – Download the Zoom Application on your device

Download the Zoom App at least one day before your scheduled hearing date. This will enable you to test out your device and equipment.

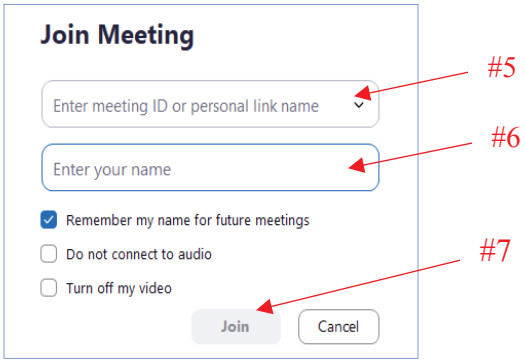
1. Download the Zoom App on your smart device.
2. On your computer or laptop, you may download using this link: https://www.zoom.us/support/download
3. On the date of your court hearing, open the app.

Smart Phone App

Computer APP



4. Click JOIN MEETING
5. Enter Meeting ID provided by the court.
6. **Enter your name. This will help court staff check you in for the hearing.**
7. Click JOIN.



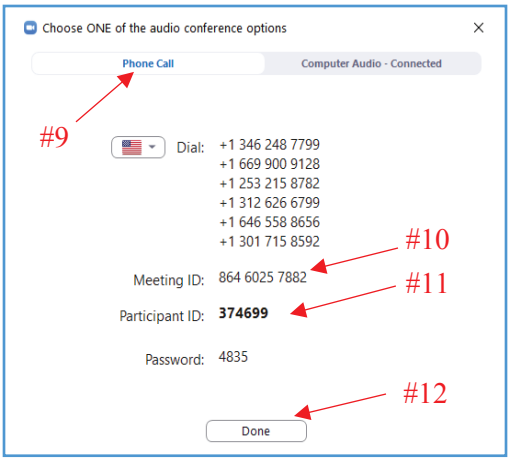
8. If your device **does not have a microphone**, a prompt to choose your audio will appear.

9. Click PHONE CALL. Dial one of the numbers provided.

10. When prompted, enter the MEETING ID followed by the # sign.

11. When prompted, enter the PARTICIPANT ID followed by the # sign.

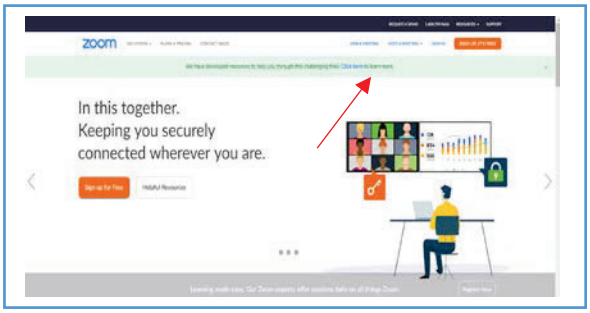
12. Click DONE.



OPTION 2 - Join using the desktop client. No downloading of the Zoom App.
You may use any browser: Use any of the following web browsers: Chrome, Firefox, Microsoft Edge, Safari, Internet Explorer 10 or higher.

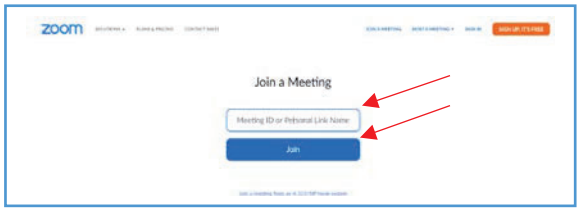
1. Go to www.Zoom.us

2. Click JOIN MEETING

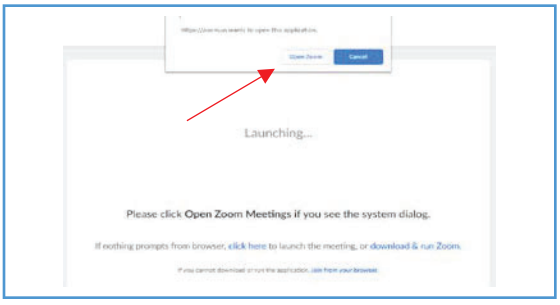


3. Enter the MEETING ID number provided by the court.

4. Click JOIN.

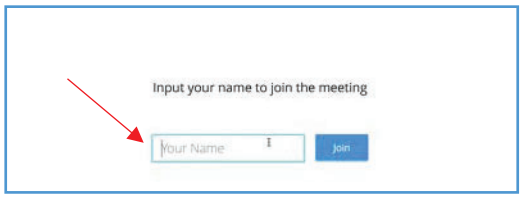


5. Zoom will launch. Click OPEN ZOOM.



6. **Enter your name. This will help court staff check you in for the hearing.**

7. Click JOIN.



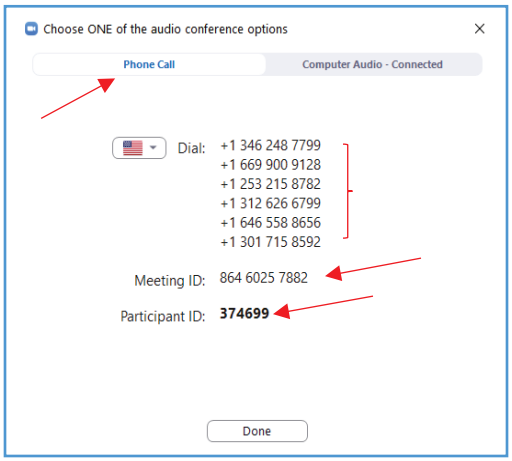
8. If your device does not have a microphone, a prompt for you to choose your audio will appear.

9. Click PHONE CALL. Dial one of the numbers provided.

10. When prompted, enter the MEETING ID followed by the # sign.

11. When prompted, enter the PARTICIPANT ID followed by the # sign.

12. Click DONE.



OPTION 3 – Join by phone

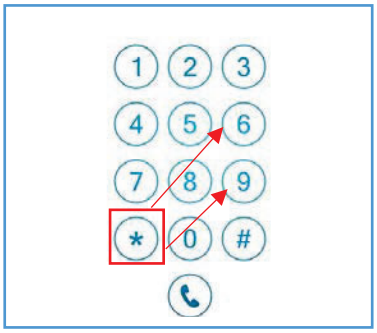
You may join a court remote hearing if you do not have access to a computer, laptop or mobile device or internet. You may call in using a land line phone or a cell phone.

1. Dial the phone number provided by the court in your hearing notice.

2. Key in the MEETING ID provided by the court. This is a 10 digit number. Press the # key.

3. You will be prompted to enter your Participant ID number. If you do not have one, press the # key.

4. **Please identify yourself by name when prompted by court staff.** This will help court staff check you in for the hearing.

5. To mute yourself press *6 on your key pad.

6. To get the court's attention during the hearing, press *9 on your key pad. This will be seen as a raised hand on the Zoom web conference.