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SP. No. 1CSP-20-0000082

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI‘I

In the Matter of the CIRCUIT COURT OF THE FIRST CIRCUIT'S RESPONSE TO COVID-19 OUTBREAK	))))))))))	SP. No. 1CSP-20-0000082 (Special Proceeding) SIXTH AMENDED EMERGENCY ORDER #3 REGARDING CIRCUIT COURT OF THE FIRST CIRCUIT, CIVIL MATTERS

SIXTH AMENDED EMERGENCY ORDER #3 REGARDING
CIRCUIT COURT OF THE FIRST CIRCUIT, CIVIL MATTERS

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

In light of the recent increase in COVID-19 cases on the island of Oahu, Mayor Kirk Caldwell's Second Stay at Home/Work from Home Order, Emergency Order No. 2020-25 (COVID-19 [Novel Coronavirus]) dated August 25, 2020, and Mayor Kirk Caldwell's Order Implementing Tier 1 of COVID-19 Recovery Framework, Emergency Order No. 2020-27 (COVID-19 [Novel

Coronavirus]) dated September 23, 2020, the First Circuit Courts will continue to conduct remote proceedings when possible while also taking steps to further limit the number of people in Judiciary facilities.

To further protect the health and safety of First Circuit Court employees and all court participants, and pursuant to the Orders of Chief Justice Mark E. Recktenwald filed March 16, 2020, April 17, 2020, April 24, 2020, April 27, 2020, May 22, 2020, May 28, 2020, June 15, 2020, June 23, 2020, July 28, 2020, August 5, 2020, August 28, 2020, and September 28, 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. All civil jury trials are postponed to dates after December 11, 2020.

2. There shall be **no** in-person proceeding, hearing, or conference for any matter through October 15, 2020, *unless* the presiding judge determines the matter is an emergency and in-person attendance is necessary for disposition of the matter. The presiding judge must obtain prior approval from the Chief Judge or Deputy Chief Judge of the Civil Division to conduct any proceeding in-person.

3. Except for approved, emergency matters set forth in paragraph 2, any in-person hearing, conference or proceeding calendared through October 15, 2020 shall be rescheduled, converted to a remote proceeding, or cancelled, as deemed appropriate by the assigned civil division. The court will notify parties of any change and any future hearing date.

4. Bench trials, hearings, conferences and all other matters must be remotely conducted by video conference or by telephone as permitted by the assigned civil division.

5. After October 15, 2020, in-person hearings may proceed only in the following limited instances:

a. Hearings regarding returns on publication of summons;

b. Hearings for examination of judgment debtor(s) or person having knowledge of judgment debtor(s);

c. Return hearings on garnishee summons where no written disclosure is filed in advance of the hearing;

d. Return hearings on applications for mechanic's and materialman's lien(s); and

e. Proceedings where the presiding judge determines the matter is an emergency for which in-person attendance is necessary for disposition of the matter and the presiding judge has obtained prior approval from the Chief Judge or Deputy Chief Judge of the Civil Division to conduct the proceeding in-person.

6. Any emergency matter approved to be conducted in-person as set forth in paragraph 2 or any in-person matter scheduled for October 16, 2020 or later, must be conducted as follows:

a. If more than one proceeding is scheduled on the same day, the proceedings must be held on a staggered basis to the extent staggering hearings are possible;

b. Court participants must practice social distancing which means at least a 6 foot physical distance separation. Court participants include court personnel, parties, attorneys, witnesses, interpreters or any other person who must appear in-person, and may also include individuals who request to watch a specific proceeding;

c. Court participants must wear masks or cloth face coverings;

d. Court participants shall not enter the First Circuit Judiciary facilities and shall not appear in-person in any proceeding if they have: (i) a fever, cough,

shortness of breath, or other symptoms of respiratory illness; (ii) traveled outside Hawai‘i in the past 14 days; or (iii) had close prolonged contact with a person who has or is suspected to have COVID-19.

7. The audio from any bench trial or hearing conducted remotely shall be electronically recorded through the court's electronic recording system.

8. In the discretion of the presiding judge, hearing motions may be converted to non-hearing motions pursuant to Rule 8 of the Rules of the Circuit Courts, State of Hawai‘i (RCCH), if the judge determines the matter is suitable for disposition without a hearing.

9. Courtesy copies of any filed motion, response to a motion, or other document pertaining to a motion under RCCH 7.2(g)(6) will not be required to be delivered to the assigned judge's chambers, unless specifically ordered by the presiding judge.

10. This Order may be modified or extended as circumstances warrant, but absent further action this Order shall remain in effect.

It is so Ordered.

DATED: Honolulu, Hawai‘i, September 30, 2020.

/s/ R. Mark Browning

Hon. R. Mark Browning, Chief Judge
First Circuit Court, State of Hawai‘i