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

SECOND 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 Hawai‘i and pertains to all civil proceedings filed in the Circuit Court of the First Circuit.

Since March 16, 2020, Chief Justice Mark E. Recktenwald has issued orders in response to the emerging public health threat related to COVID-19 that included, among other things, continuing trials, limiting in-person proceedings and conferences, and directing judges presiding over civil matters to conduct proceedings remotely by telephone or video conference. Most recently, on May 22, 2020, the Chief Justice issued an Order Regarding Jury Trials and Grand

Juries noting that conducting jury trials is not yet feasible. On May 28, 2020, the Chief Justice issued an Order Regarding Judiciary Operations that authorizes resuming in-person proceedings in some courts and reiterating the increased use of remote proceedings in civil matters.

In light of the Judiciary's efforts to conduct remote proceedings during the evolving emergency situation, judges are encouraged to continue to hold hearings and conferences in civil cases by telephone or video conferences whenever possible; however, in their discretion, judges may resume in-person proceedings depending on the circumstances of a judge's calendar or on a case by case basis as long as safety standards are followed in accordance with guidelines as recommended by the Centers for Disease Control, the Department of Health of the State of Hawai'i, and/or other public health authorities and as set forth herein.

Thus, pursuant to the Orders of Chief Justice Mark E. Recktenwald filed March 16, 2020, March 20, 2020, April 27, 2020, May 22, 2020, and May 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 June 30, 2020.

2. Bench trials and evidentiary hearings may be remotely conducted by video conference as permitted by the court or may be conducted in-person as long as the bench trial or hearing can be safely conducted.

3. All other matters shall be remotely conducted by telephonic or video conference, unless the assigned judge determines the matter must be held in-person and can be safely conducted.

4. Any in-person proceeding must be conducted in the following manner:

    a. If more than one proceeding is scheduled on the same day, the proceedings must be held on a staggered basis;

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 unless the court authorizes a participant to remove their mask or face covering while testifying, addressing the court or during examination of a witness;

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, or other respiratory symptoms; (ii) traveled in the past 14 days; or (iii) had prolonged contact with a person who has or is suspected to have COVID-19.

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

6. 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.

7. 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.

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

DATED: Honolulu, Hawai'i, MAY 28 2020.

FIRST CIRCUIT COURT SEAL STATE OF HAWAII

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