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THIRD CIRCUIT
3CSP-20-0000022
17-SEP-2020
03:51 PM

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) THIRD AMENDED EMERGENCY ORDER #1 REGARDING CIRCUIT COURT OF THE THIRD CIRCUIT, THIRD CIRCUIT PROBATE CALENDAR (1) SUSPENDING IN-PERSON HEARINGS FOR ALL MATTERS UNTIL FURTHER NOTICE (2) IMPLEMENTING NEW PROCEDURAL CHANGES FOR ALL MATTERS UNTIL FURTHER ORDER OF THE COURT

THIRD AMENDED EMERGENCY ORDER #1 REGARDING
CIRCUIT COURT OF THE THIRD CIRCUIT, THIRD CIRCUIT PROBATE CALENDAR

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

The recent increase in 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 the 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 Regarding Judiciary Operations 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. The following changes to court procedures shall apply to all petitions before the probate court, including but not limited to:
    a. Probates
    b. Conservatorships
    c. Guardianships
    d. Trusts
2. All in-person hearings for matters before the probate court are suspended as of the date of this Order until further order of the Court, and may be re-noticed for a Zoom video conference hearing where appropriate.
3. Petitions that are appropriate for Zoom video conferencing hearings, include but are not limited to, petitions regarding:
    a. Contested matters
    b. Appointment of a conservator
    c. Appointment of a guardian
    d. Confirmations of sale of real property
    e. Other matters where counsel knows that an interested party plans to attend

4. All written petitions for remote hearings via Zoom conferencing shall include in the title "Notice of Zoom Remote Hearing" and include the following language in the notice of hearing:

   The foregoing petition 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.

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

6. All other petitions shall be submitted to the court presented as non-hearing 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.

7. The following Zoom video conferencing ID's are designated for the respective probate courts as follows:

   Division 1 (Hilo), Hon. Peter Kubota: 926 8229 1569

   Division 3, (Kona) Hon. Robert Kim: 611 203 9134

8. Courtesy copies of any and all filed petitions, 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.

9. 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, September 17, 2020.

/s/ Robert D. S. Kim
Hon. Robert D. S. Kim, Chief Judge
Circuit Court of the Third Circuit, State of Hawai'i