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SP. NO. 2CSP-20-0000015

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI`I

In the Matter of the CIRCUIT COURT OF THE SECOND CIRCUIT, STATE OF HAWAI`I'S RESPONSE TO THE COVID-19 OUTBREAK	)))))))))	EMERGENCY ORDER NO. 12 REGARDING DISTRICT COURT OF THE SECOND CIRCUIT, STATE OF HAWAI`I

EMERGENCY ORDER NO. 12 REGARDING
DISTRICT COURT OF THE SECOND CIRCUIT, STATE OF HAWAI`I

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

Pursuant to Governor David Y. Ige's Fifteenth Proclamation Related to the COVID-19 Emergency dated November 16, 2020 and with the authority as Deputy Chief Judge of the above-entitled Court,

IT IS HEREBY ORDERED:

1. The following shall apply to summary possession cases:
   a. There shall be no commencement, continuation, or prosecution of an action 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, pursuant to section 521-68, HRS, Landlord's Remedies for Failure by Tenant to Pay Rent and section 521-71, HRS,

Termination of Tenancy; Landlord's Remedies for Holdover Tenants and Chapter 666, Landlord and Tenant, as set forth in Governor David Y. Ige's Fifteenth Proclamation Related to the COVID-19 Emergency dated November 16, 2020 and effective through December 31, 2020.

b. In the event that cases are currently set on calendar in violation of paragraph 1. a. of this Emergency Order and as set forth in Governor David Y. Ige's Fifteenth Proclamation Related to the COVID-19 Emergency dated November 16, 2020 and if the complaint was filed on or before April 16, 2020, the Clerk of the Court shall reschedule the case to a date after December 31, 2020.

c. In the event that cases are currently set on calendar in violation of paragraph 1. a. of this Emergency Order and as set forth in Governor David Y. Ige's Fifteenth Proclamation Related to the COVID-19 Emergency dated November 16, 2020 and if the complaint was filed on or after April 17, 2020, the presiding judge shall dismiss the case without prejudice. If the complaint was filed on or after April 17, 2020 and the case was dismissed without prejudice by the Court, the filing fee shall be waived if the Plaintiff refiles after the expiration of the moratorium.

2. If available and to the extent possible, Maui, Molokai, Lanai, Lahaina, and Hana District Court hearings, including, but not limited to, trials and other evidentiary hearings in criminal and civil matters, may be conducted through video conferencing if approved by the assigned Judge. If approved, the assigned Judge shall set deadlines for the electronic filing of exhibits by the parties. Failure to comply with the assigned Judge's order may result in the exclusion of exhibits and/or the imposition of appropriate sanctions.

DATED: Wailuku, Maui, Hawai`i, November 17, 2020.

/s/ Blaine J. Kobayashi

Deputy Chief Judge, Second Circuit