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

EIGHTH 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.

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 as of November 25, 2020 under SCMF No. 20-0000152, In re the Judiciary's Response to the COVID-19 Outbreak, 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 January 29, 2021.

2. 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, except for those matters identified in paragraph 3.

3. 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.

4. Any in-person hearing or emergency proceeding approved to be conducted in person as set forth in paragraph 3 must be conducted as follows:

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

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 or extended as circumstances warrant, but absent further action this Order shall remain in effect.

It is so Ordered.

DATED: Honolulu, Hawai‘i, December 11, 2020.

/s/ R. Mark Browning

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