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

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.

In light of the Judiciary's efforts to conduct remote proceedings, steps have been taken to increase technological capabilities and infrastructure for the courts to operate and maintain their respective dockets, while navigating the constraints of the rapidly evolving emergency situation. The necessary devices and teleconferencing programs are available now to allow for remote proceedings to be held. Thus, with this upgraded technological capability, and pursuant to the

Orders of Chief Justice Mark E. Recktenwald filed March 16, 2020, April 17, 2020, April 24, 2020, and April 27, 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 May 29, 2020.

2. All civil divisions in the First Circuit Court shall be equipped to remotely conduct hearings and conferences beginning May 4, 2020.

3. Except as ordered herein, all hearings, including hearings on contested and dispositive motions, shall be remotely conducted by telephonic or video conference as scheduled. The audio from any remote hearing shall be electronically recorded through the court's electronic recording system.

4. 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 presiding judges determines the matter is suitable for disposition without a hearing.

5. All conferences, including trial setting, status, pretrial, and settlement conferences, shall be remotely conducted by telephonic or video conference as scheduled.

6. Evidentiary hearings may be remotely conducted by video, as permitted by the court.

7. Bench trials may be remotely conducted by video, as permitted by the court.

8. The audio from any evidentiary hearing or bench trial shall also be electronically recorded through the court's electronic recording system.

9. For foreclosure cases, including cases assigned to Judge Jeannette H. Castagnetti:

    a. Remotely conducting hearings and other matters related to foreclosure proceedings by telephonic or video conferencing is not within the capabilities of the court at this time given the number of court participants involved in foreclosure hearings and the nature of the proceedings.

b. All hearing motions shall be rescheduled to dates after May 29, 2020, unless the judge determines the matter is suitable for disposition without a hearing pursuant to RCCH 8.

c. All public sales of property ordered to be sold pursuant to HRS § 667-20 shall be postponed to dates after May 29, 2020.

d. All open houses scheduled for purposes of any court-ordered public sale shall be rescheduled to dates after May 29, 2020.

e. Court-appointed commissioners shall take all reasonable and necessary steps to comply with these orders, including postponing scheduled public sales in accordance with the requirements of HRS § 667-20.1.

f. In the assigned judge's discretion, motions requesting emergency relief may be remotely conducted by telephone or video as scheduled by the court, or as a non-hearing motion pursuant to RCCH 8. The audio from any hearing remotely conducted shall be electronically recorded through the court's electronic recording system.

10. 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 through May 29, 2020.

11. Emergency Orders #7 and #8 filed under *In re the Circuit Court of the First Circuit's Response to COVID-19 Outbreak,* SP. No. 1CSP-20-0000082 are hereby rescinded as those orders are covered under this Amended Order.

12. This Order may be modified or extended as circumstances warrant, but absent further action this Order shall expire on May 29, 2020.

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

R. Mark Browning

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

FIRST CIRCUIT COURT SEAL STATE OF HAWAII