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NORMA T. YARA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

In the Matter of the Amendment  
of the  
RULES OF THE DISTRICT COURT OF THE STATE OF HAWAII

ORDER AMENDING RULES 12, 28, AND 29 OF THE  
RULES OF THE DISTRICT COURT OF THE STATE OF HAWAI'I  
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that Rules 12, 28, and 29 of the Rules of the District Court of the State of Hawai'i, are amended, effective January 1, 2008 as follows (deleted material is bracketed and stricken; new material is underscored):

**Rule 12. [RESERVED:] DISMISSAL FOR WANT OF PROSECUTION.**

An action may be dismissed sua sponte with written notice to the plaintiff if no activity has occurred within 8 months after a complaint has been filed (or within any further period of extension granted by the court). Such dismissal may be set aside and the action reinstated by order of the court for good cause shown upon motion duly filed not later than 10 days from the date of the order of dismissal.

**Rule 28. DISMISSAL FOR WANT OF SERVICE.**

A diligent effort to effect service shall be made in all actions[;]. [and] An action or claim may be dismissed sua sponte with written notice to the plaintiff if no service [be]is made within 6 months after [an]the action or claim has been filed [; then after notice of not less than 5 days, the same may be dismissed without prejudice]. Such dismissal may be set aside and the action or claim reinstated by order of the court for good cause shown upon motion duly filed not later than 10 days from the date of the order of dismissal.

**Rule 29. DISMISSAL FOR WANT OF PROSECUTION IN  
DEFAULT CASES.**

~~[After notice of not less than 5 days, a case]~~ An action may be dismissed with prejudice sua sponte with written notice to the parties for want of prosecution where all defendants are in default and if the plaintiff fails to obtain entry of default ~~[and]~~ or fails to apply for entry of judgment within 6 months after all defendants are in default. Such dismissal may be set aside and the action reinstated by order of the court for good cause shown upon motion duly filed not later than 10 days from the date of the order of dismissal.

DATED: Honolulu, Hawai'i, November 27, 2007.



~~Steven H. Levinson~~

Diana A. Nakayama



James C. Duggan, Jr.