

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the Amendment
of the
DISTRICT COURT RULES OF CIVIL PROCEDURE

ORDER AMENDING RULE 3 OF THE
DISTRICT COURT RULES OF CIVIL PROCEDURE

(By: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.)

IT IS HEREBY ORDERED that Rule 3 of the District Court Rules of Civil Procedure is amended, effective immediately upon filing of this order, as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 3. COMMENCEMENT OF ACTION.

(a) By filing of complaint. A civil action is commenced by filing a complaint which shall include a civil information sheet with the court except that an appeal pursuant to Rule 72 and an action for relief from harassment maintained pursuant to HRS Section 604-10.5 are commenced by filing a petition.

(b) Venue. The venue of an action is within the judicial circuit established by statute.

(c) Place of filing; Assignment to Division. Unless otherwise ordered by the administrative judge of a district court, the complaint shall be filed [~~in the division of the judicial circuit below designated:~~] (1) in the division where the defendant resides; (2) if the defendant does not reside in the judicial circuit, then in the division where the claim for relief arose, or if the claim for relief arose without the judicial circuit, then in any division where the defendant can be found; (3) if there are defendants residing in different divisions, then in the division where the claim for relief arose, or if the claim for relief arose without the judicial circuit, then in any division where any defendant can be found; (4) in an action for summary possession brought under chapter 666 of the Hawai i Revised Statutes, in the division in which the premises or some part thereof are situated, without regard to the defendant's place of residence.

(d) Transfer. The court may transfer an action to any division within the judicial circuit, or outside the judicial circuit if so provided by statute, upon or without terms and conditions as the court deems proper.

~~**(e) Division defined.** For the purpose of this rule and wherever applicable, division is defined as set out in Schedule A of these rules.]~~

DATED: Honolulu, Hawaii, February 22, 2010.