

EMILIANO  
OF THE  
CIRCUIT COURTS  
STATE OF HAWAII

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In the Matter of the Amendment  
of the  
RULES OF THE CIRCUIT COURTS OF THE STATE OF HAWAII

ORDER AMENDING RULE 23 OF THE RULES OF  
THE CIRCUIT COURTS OF THE STATE OF HAWAII

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

IT IS HEREBY ORDERED that Rule 23 of the Rules of the Circuit Courts of the State of Hawaii is amended, effective July 1, 2010, as follows (deleted material is bracketed and stricken; new material is underscored):

**Rule 23. SETTLEMENT OF JUDGMENTS, DECREES, AND ORDERS.**

**(a) Preparation.** Within 10 days after a decision of the court awarding any judgment, decree, or order [~~that requires settlement and approval by a judge~~], including any interlocutory order, the prevailing party, unless otherwise ordered by the court, shall prepare a judgment, decree, or order in accordance with the decision, attempt to secure [~~the~~] approval as to form [~~of opposing~~] from all other parties [~~thereon~~], and following such approval deliver the original and [~~one~~] 1 copy to the court.

**(b) Party Approval or Objection to Form; Delivery to Court.** If there is no objection to the form of a proposed judgment, decree, or order, the [~~party~~] other parties shall promptly approve as to form. [~~In the event~~] If a proposed judgment, decree, or order is not approved as to form by [~~an opposing party~~] the other parties within 5 days [~~of~~] after a written request for [~~such~~] approval, the [~~prevailing~~] drafting party shall deliver the original and [~~one~~] 1 copy to the court along with notice of service on all parties and serve a copy thereof upon each party who has appeared in the action. If any party objects to the form of a proposed judgment, decree, or order, that party shall within 5 days after service of the proposed judgment, decree, or order, serve upon [~~the prevailing~~] each party who has appeared in the action and deliver to the court

- (i) a statement of [~~that party's~~] objections and the reasons therefor, and
- (ii) the form of the objecting party's proposed judgment, decree, or order. [~~and in~~]

In such event, the court shall proceed to settle the judgment, decree, or order. Failure to file and serve objections and a proposed judgment, decree, or order shall constitute approval as to form of the [prevailing] drafting party's proposed judgment, decree, or order.

**(c) No Waiver of Right to Appeal.** Approval as to form shall not affect the right, or constitute waiver of the right, of any party to appeal from any judgment, decree, or order issued.

**(d) Court Approval; Sanctions.** If a proposed judgment, decree, or order is consistent with the verdict of the jury or the decision of the court, the court shall cause the judgment, decree, or order to be entered forthwith. If a proposed judgment, decree, or order is not consistent with the verdict of the jury or the decision of the court, the court may require submission of a conforming judgment, decree, or order. The court may impose a monetary sanction against a party who submits a defective or untimely judgment, decree, or order.

**(e) Request for Entry.** If the drafting party fails to timely submit a proposed judgment, decree, or order to the court, any other party may present a proposed judgment, decree, or order to the court for approval and entry.

DATED: Honolulu, Hawai'i, January 28, 2010.



Paula C. Nakayama



Kana E. Duggan

Mar Redmond