

RE:           **Proposal to Amend Rule 54(c) of the Hawai‘i Rules of Appellate Procedure**

*RELIEF FROM FEDERAL BANKRUPTCY STAY IN STATE APPEALS*

The Supreme Court of Hawai‘i seeks public comment regarding a proposal to amend Rule 54(c) of the Hawai‘i Rules of Appellate Procedure. The proposed amendment clarifies that parties may submit to state appellate courts orders from federal district or bankruptcy courts which confirm that no stays affecting state appellate proceedings exist in the federal litigation in question. The proposal is attached hereto.

Comments about the proposed amendment should be submitted, in writing, **no later than Friday, January 25, 2019**, to the Judiciary Communications & Community Relations Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 539-4801, or via the Judiciary’s website.

Attachment

**PROPOSED AMENDMENT OF THE  
HAWAII RULES OF APPELLATE PROCEDURE**  
(Deleted material is bracketed and stricken, new material is underlined)

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**Rule 54. LIFTING OR TERMINATION OF STAY OF  
PROCEEDINGS BY FEDERAL BANKRUPTCY COURT.**

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**(c) Appellate court action during pendency.** The state appellate court shall not consider motions or requests for relief during the pendency of [~~the~~] a bankruptcy. Parties claiming that a bankruptcy stay is not in effect shall file in the state appellate court a certified copy of the order of the federal district or bankruptcy court[~~'s order~~] confirming the absence of a stay, or vacating or modifying the stay, and [~~or~~] granting permission for the state appellate case to proceed.

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