

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the Amendment
of the
HAWAII RULES OF CIVIL PROCEDURE

ORDER AMENDING RULE 41(b) OF THE
HAWAII RULES OF CIVIL PROCEDURE

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

IT IS HEREBY ORDERED that Rule 41(b) of the Hawaii Rules of Civil Procedure is amended, effective January 1, 2006, as follows (deleted material is bracketed and stricken):

(b) Involuntary dismissal: Effect thereof. For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim against it. Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal [~~is~~] not provided for in this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a party under Rule 19, operates as an adjudication upon the merits.

DATED: Honolulu, Hawaii, December 7, 2005.