

IN THE SUPREME COURT OF THE STATE OF HAWAII

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

ORDER AMENDING THE RULES OF THE
CIRCUIT COURTS OF THE STATE OF HAWAII I
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that Rules 12(q), 28, and 29 of the Rules of the Circuit Courts of the State of Hawaii are amended, effective July 1, 2007 as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 12. READY CIVIL CALENDAR.

(q) Dismissal for want of prosecution. An action may be dismissed sua sponte with written notice to the parties if [Where] a pretrial statement has not been filed within 8 months after a complaint has been filed (or within any further period of extension granted by the court) or if a trial setting status conference has not been scheduled as required by Rule 12(c)[5]. [the clerk shall notify in writing all parties affected thereby that the case will be dismissed for want of prosecution unless objections thereto showing good cause (specific reasons) are filed within 10 days after receipt of such notice. If objections are not filed within said 10-day period or any extension granted by the court, the case shall stand dismissed without prejudice without the necessity of an order of dismissal being entered therein. Where objections are filed within said 10-day period or any extension granted by the court, the court shall hear said objection upon notice and determine whether the case should be dismissed.] 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 ten (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 parties 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]. 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 ten (10) days from the date of the order of dismissal.

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

~~[A case]~~ An action may be dismissed with prejudice sua sponte with written notice to the parties for want of prosecution [after notice of not less than 5 days] where all defendants are in default and if the plaintiff fails to obtain entry of default and fails to apply for default judgment within six 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 ten (10) days from the date of the order of dismissal.

DATED: Honolulu, Hawai i, May 16, 2007.