

Electronically Filed
Supreme Court
SCRU-10-000012
26-APR-2011
11:15 AM

SCRU-10-000012

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the Amendment
of the
HAWAI‘I RULES OF APPELLATE PROCEDURE

ORDER AMENDING RULE 4.1 OF THE
HAWAI‘I RULES OF APPELLATE PROCEDURE

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

IT IS HEREBY ORDERED that Rule 4.1 of the Hawai‘i Rules of Appellate Procedure is amended, effective *nunc pro tunc* September 27, 2010, as follows (new material is underscored):

Rule 4.1. CROSS-APPEALS.

* * *

(b) Manner and time of filing.

(1) The cross-appellant shall file with the clerk of the court appealed from a notice of cross-appeal and pay the filing fee within 14 days after the notice of appeal is served on the cross-appellant, or within the time prescribed for filing the notice of appeal, whichever is later. If a notice of cross-appeal is mistakenly submitted to the appellate clerk, the appellate clerk shall note on it the date of receipt and shall electronically file the notice of cross-appeal. The date of the receipt by the appellate clerk shall be deemed to be the date the notice of cross-appeal was filed with the clerk of the court. A notice of cross-appeal filed through JEFS or JIMS is deemed filed with the clerk of the court appealed from.

(2) The notice of cross-appeal shall comport with, and be filed and served in the manner prescribed by, Rule 3.

* * *

DATED: Honolulu, Hawai'i, April 26, 2011.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

