

Electronically Filed
Supreme Court
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26-AUG-2011
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IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the Amendment
of the
RULES OF THE CIRCUIT COURTS OF THE STATE OF HAWAI‘I

ORDER AMENDING AND ADOPTING RULES AND ADOPTING FORMS OF THE
RULES OF THE CIRCUIT COURTS OF THE STATE OF HAWAI‘I
(By: Recktenwald, C.J., Nakayama, Acoba, Duffy, and McKenna, JJ.)

IT IS HEREBY ORDERED that Rules 2, 3, 10.1, and 19 of the Rules of the Circuit Courts of the State of Hawai‘i are amended, effective January 1, 2012, as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 2. FILING PROCEDURE.

(a) Classification. Upon the filing of the initial pleading or other ~~[papers]~~documents, and before the issuance of process, the clerk shall classify and assign a number to such proceeding. All subsequent pleadings and ~~[papers]~~documents to be filed shall bear the number assigned to the initial ~~[papers]~~documents, which shall appear on the first page.

(b) Stamp by clerk. The clerk shall promptly stamp the time and date upon all ~~[papers]~~documents filed.

(c) Docket entry and filing. Upon the filing of any ~~[papers]~~documents, an appropriate entry shall be made in a docket sheet kept for each case. Each case shall be filed separately and its file shall contain an index sheet identifying particularly each ~~[paper]~~document in such file and stating the date of filing.

(d) Service of pleadings and other [papers]documents.

(1) FILING: ORIGINAL KEPT ON FILE; COPIES FOR SERVICE. Subject to subsection (2) of this subsection (d), pertaining to interrogatories and other discovery [papers]documents, when a pleading or other [paper]document requiring service is presented for filing, the original shall be accompanied with a sufficient number of copies for service. The original shall be kept on file by the clerk, provided, however, the original summons may be withdrawn by the serving officer. Service may be made with the certified copy or copies of the [papers]documents together with the certified copy or copies of the summons, and the serving officer shall make proof of service to the court promptly by returning the original summons to the clerk.

(d) Service of pleadings and other documents.

...

(2) SERVICE AND FILING OF INTERROGATORIES AND OTHER DISCOVERY [PAPERS] DOCUMENTS.

(A) The filing of interrogatories and other discovery [papers]documents shall be governed by Rule 5 of the Hawai'i Rules of Civil Procedure or Hawai'i Family Court Rules.

(B) A party seeking admissions or answers to interrogatories shall serve [two] 2 copies of the request for admissions or interrogatories upon the party from whom the admissions or answers are sought.

(C) A discovery request shall be served on all parties. The discovery response shall also be served on all parties, except as provided in (D).

(D) Copies of documents produced pursuant to a request for production need not be served upon a party that did not make, or join in, the request and pay for the costs of production.

(e) **Wills.** In domiciliary probate cases, the original and a certified copy of the will shall be filed, together with the initial petition.

(f) **Place of filing.** Pleadings and [papers]documents for filing shall be presented to the Office of the Clerk except as otherwise directed by the court. The clerk shall furnish certified copies of all [papers]documents filed if so requested at the time of filing.

Rule 3. FORM OF PLEADINGS AND MOTIONS.

(a) **Form.** All pleadings and [papers]documents to be filed shall be typewritten, printed, photocopied, or otherwise similarly prepared by a duplication process that will produce clear and permanent copies equally legible to printing, upon unruled, opaque, unglazed white paper of standard quality not less than thirteen pound weight, 8 1/2 x 11 inches in size and each sheet shall have a margin at the top and bottom of 1 inch (except as otherwise provided in paragraph (c) of this rule). The left-hand and right-hand side margin shall be not less than 1 inch. Such [papers]documents shall be typewritten in heavily inked black ribbon or printed in black. The type shall be standard 12 point pica or equivalent. Copies, but not originals, may be two-sided, and the lines on each page shall be double-spaced or one and one-half spaced; provided, however, descriptions of real property, and quotations, may be single spaced. All pages shall be numbered consecutively at the bottom and shall be firmly bound together at the top. Exhibits may be fastened to pages of the specified size and,

when prepared by a machine-copying process, shall be equal to typewritten material in legibility and permanency of image. Signatures and all other handwritten entries on [papers]documents shall be in black ink.

(b) No flyleaf shall be attached to any [paper]document. No flyleaf shall be attached to any [paper]document. All [papers]documents shall be filed without backs and shall be neat, clean, legible and free of interlineations.

(c) Form of first page. The first page of [at]each [papers]document, except as provided hereinbelow in (d), shall be in the following form:

(1) The space at the top left of the center of the page shall contain the name, code number, office address and telephone number of the attorney for the party in whose behalf the [paper]document is filed, or of the party if he is appearing in person;

(2) The space at the top right of the center of the page shall be left blank for the use of the clerk of the court;

(3) Next, there shall be centered the name of the court, which shall be not less than 3 inches from the top of the page;

(4) Next, the space to the left of the center of the page shall contain the title of the cause (which title shall include the names of all of the parties in the initial pleading, but thereafter may be appropriately abbreviated);

(5) In the space to the right of the title of the cause, there shall be listed the class and case number followed in civil cases by the category best describing the claims asserted in the case and followed in all cases by [the character of] a title describing the [paper]document (which shall include an appropriate notation if a jury trial is demanded in the [paper]document).

The category best describing the claims asserted in a civil case shall be selected from the following:

- Agency Appeal
- Agreement of Sale Foreclosure
- Assault & Battery
- Condemnation
- Construction Defects
- Contract
- Declaratory Judgment
- Environment
- Foreclosure
- Legal Malpractice
- Medical Malpractice
- Motor Vehicle Tort
- Product Liability
- Other Civil Action
- Other Non-Vehicle Tort

(6) Certification or acknowledgment of service may be entered at the bottom margin.

(7) Each document shall indicate below the title of the document

(A) the name of the judge or "none" if the case is not assigned to a judge, and

(B) the trial date or "none" if the case has not been set for trial.

(8) In cases involving multiple plaintiffs or defendants, the title of any pleading or other document shall identify:

(A) The name of the party filing the pleading or other document; and

(B) In the case of a responsive pleading or other document (i) the name of the party that filed the pleading or other document to which the responsive pleading or other document is addressed and (ii) the title and filing date of the pleading or other document to which the responsive pleading or other document is addressed.

(d) Two or more pleadings or other documents filed together.

Where ~~two~~ 2 or more pleadings or other ~~papers~~ documents are filed together, only the first page of the first ~~paper~~ document shall follow all of the requirements of (c) hereinabove; and in addition thereto, there shall be listed, after the case number and before the ~~character~~ title of the ~~paper~~ document, the ~~character~~ title of all of the ~~papers~~ documents that are being filed together. The top of the first page of each ~~paper~~ document other than the first shall start with the name of the court and include the class and case number, the title of the cause and the ~~character~~ title of the ~~paper~~ document, in appropriate spaces as set forth in (c) hereinabove.

(e) Sanctions. The court may impose sanctions for non-compliance with these rules.

(f) Forms furnished by the court. The court shall furnish such forms as shall have been approved by the supreme court, and those forms shall be used by counsel in all appropriate instances. Such forms shall not be subject to the format requirements of this rule.

Rule 10.1 ~~[WITHDRAWAL OF COUNSEL.]~~ REPEALED AND RESERVED.

~~[Except as provided in Rule 10(c) of these rules, withdrawal of counsel in cases pending before the circuit courts shall be effective only upon the approval of the court and shall be subject to the guidelines of Rule 1.16 of the Hawai'i Rules of Professional Conduct and other applicable law.]~~

Rule 19. STIPULATIONS AND ORDERS THEREON.

(a) Forms of stipulations and orders. Unless made in open court, ~~a~~ stipulation[s] shall be in writing, signed by the parties or their attorneys, and filed with the clerk. A stipulation requiring court approval shall cite the authority and state the reason(s) and factual or other basis for the stipulation therein. An order based upon a stipulation shall be sufficient if the words "It is so ordered" or their equivalent are endorsed on the stipulation at the close thereof and if this endorsement is signed by the judge, or by the clerk if permitted under Rule 10.

(b) Stipulations extending or enlarging time. A [Stipulations] stipulation for [the approval of the court] court approval to act under Rule 6(b)(1), Hawai'i Rules of Civil Procedure and Rule 45(b)(1), Hawai'i Rules of

Penal Procedure shall [~~recite the time of expiration of the period originally prescribed or as extended by a previous order.~~] include the following:

- (1) the title of the document and shall indicate the sequential number of such extension or enlargement;
- (2) citation to authority for the extension or enlargement;
- (3) reason(s) for the extension or enlargement; and
- (4) the expiration date of the originally prescribed period or as extended or enlarged by a previous order.

IT IS FURTHER ORDERED that new Rules 1.1 and 7.2 of the Rules of the Circuit Courts of the State of Hawai'i are adopted, effective January 1, 2012, as follows:

Rule 1.1. CONSTRUCTION OF RULES.

These rules shall be construed and administered to secure the just, speedy, and inexpensive determination of every action.

Rule 7.2. Civil Motions Practice.

(a) Applicability. Rule 7.2 applies only to cases that are governed by the Hawai'i Rules of Civil Procedure.

(b) Designation as hearing or non-hearing motion. All written motions, other than motions entitled to be heard *ex parte* or those listed in Exhibit B attached to these rules, shall be designated as hearing motions and calendared for oral hearing; provided that discovery motions brought pursuant to Rules 26 through 37 of the Hawai'i Rules of Civil Procedure shall be governed by subsection (e) of this rule.

(c) Non-hearing motions. Non-hearing motions shall be decided on written submissions, unless otherwise ordered by the court. The court, in its discretion, may set any non-hearing motion for hearing, *sua sponte*, or upon application by a party pursuant to subsection (g)(4) of this rule. A non-hearing motion shall be accompanied by a notice of motion that provides notice of the deadline by which a response must be filed and served. Any opposition to a non-hearing motion shall be filed and served no later than 10 days after the service date indicated on the certificate of service accompanying the motion or no later than 12 days after the service date if the motion is served by mail. Any reply shall be filed and served no later than 3 days after the service of the opposition or 5 days after the service date if the opposition is mailed. No party may file any documents later than 5 days after the service date of the opposition, unless otherwise ordered by the court.

(d) Form of motions. In addition to the requirements of Rule 3 of these rules:

(1) Every motion and any document submitted concerning such motion shall indicate below the title of the document:

- (A) the title of the motion;
- (B) the name of the judge;
- (C) the hearing date and time, if applicable; and
- (D) the trial date or “none” if a trial date has not been set:

HEARING MOTION

JUDGE: _____

HEARING DATE: _____

HEARING TIME: _____

TRIAL DATE: _____

NON-HEARING MOTION

JUDGE: _____

TRIAL DATE: _____

(2) Hearing and non-hearing motions shall be presented in a form that substantially complies with Form C (1-5) (Hearing Motion) and Form D (1-5) (Non-Hearing Motion) of the Appendix of Forms attached to these rules.

(e) Discovery motions:

(1) Any discovery motion brought pursuant to Rules 26 through 37 of the Hawai‘i Rules of Civil Procedure shall be designated, at the option of the moving party, a hearing motion or a non-hearing motion, except as provided in subsection (e)(2) below or as otherwise ordered by the court.

(2) The following discovery motions shall be hearing motions:

- (A) motion concerning a protective order;
- (B) motion concerning sequence of discovery under Rule 26(d) of the Hawai‘i Rules of Civil Procedure;
- (C) motion for discovery conference under Rule 26(f) of the Hawai‘i Rules of Civil Procedure; and
- (D) motion concerning discovery cut-off.

(f) Ex parte motions. A motion entitled to be heard *ex parte* shall

- (1) cite the statute, rule, or other authority authorizing the court to entertain the motion *ex parte*;
- (2) be supported by an affidavit or declaration stating the reason(s) for filing the motion *ex parte*, the efforts made to notify parties, and, if the motion is to shorten time or advance a hearing pursuant to subsection (g)(5) of this rule, the efforts made to obtain a stipulation or response from the other parties in the case or the reason(s) why no attempt was made;
- (3) be accompanied by a proposed order; and
- (4) be served in the most expeditious manner available.

(g) Presentation of motions; copies for judge. Unless otherwise provided by Rule 6 of the Hawai'i Court Records Rules, the following rules shall apply:

(1) HEARING MOTIONS.

(A) *Cases Assigned to a Judge.*

(i) In the First Circuit, except for cases that fall under (a) – (c) below, and as otherwise provided by HRS § 431:10C-213(b) and the Hawai'i Arbitration Rules attached as Exhibit A to these rules, the assigned judge shall designate the date and time of a hearing motion or joinder. Upon presentation of the hearing motion or joinder to the assigned judge, the motion or joinder shall be date-stamped, indicating date of receipt. Upon designation of the hearing date and time, the motion or joinder shall be transmitted to the Legal Documents Branch/Section for filing. Motions falling under any of the following exceptions shall be presented to the Legal Documents Branch/Section, instead of the assigned judge, for designation of a hearing/return date and time, if applicable, and filing:

(a) Civil Administrative Judge's Hearing Motions (not related to the Court Annexed Arbitration Program);

(b) *Ex Parte* Motions for Service by Publication, Examination of Judgment Debtor, and Issuance of Garnishee Summons; and

(c) Motions in Foreclosure Actions.

(ii) In the Second, Third, and Fifth Circuits, for motions not falling under the Hawai'i Arbitration Rules, the filing party may

(a) contact the assigned judge's chambers for the hearing date and time and subsequently submit the motion with the hearing date and time to the Legal Documents Branch/Section for filing or

(b) present the motion to the Legal Documents Branch/Section which will coordinate with the assigned judge to assign a hearing date and time.

(B) *Cases Not Assigned to a Judge.* A hearing motion or joinder for a case that is not assigned to a judge shall be presented to the Legal Documents Branch/Section for assignment to a judge. Upon assignment to a judge, the appropriate procedures in subsection (g)(1)(A) shall apply.

(2) NON-HEARING MOTIONS. A non-hearing motion or joinder shall be presented to the Legal Documents Branch/Section for filing.

(3) EX PARTE MOTIONS.

(A) *Cases Assigned to a Judge.* An *ex parte* motion accompanied by a proposed order shall be dated and stamped "lodged" or "received" by the Legal Documents Branch/Section clerk, listed on the docket, and transmitted to the assigned judge. Upon the judge's action on the motion, it shall be transmitted to the Legal Documents Branch/Section for filing, as well as for the designation of a hearing/return date and time pursuant to subsection (g)(1)(A)(i)(b), if applicable.

(B) *Cases Not Assigned to Judge.* The procedures stated in above paragraph (3)(A) shall apply except that the *ex parte* motion shall be transmitted to the assigned judge only after the assignment of a judge by the Legal Documents Branch/Section.

(4) APPLICATION FOR ORAL HEARING. A non-hearing motion for which an oral hearing is desired shall first be filed with the Legal Documents Branch/Section. An application for an oral hearing, supported by a statement of reasons, shall thereafter be presented to the judge assigned the case, along with a copy of the non-hearing motion attached to the application as an exhibit. Upon presentation, the application shall be date stamped, indicating date of receipt. The application shall be accompanied by a proposed order granting the application and including an appropriate space for the date and time of the hearing. The assigned judge may grant or deny the application, and such grant or denial shall not be subject to review or reconsideration. If granted, the date and time for the hearing shall be indicated on the order. The application and order shall be transmitted to the Legal Documents Branch/Section for filing.

(5) MOTION TO SHORTEN TIME FOR, ADVANCE, OR RESCHEDULE HEARING.

(A) A motion to shorten time for hearing or motion to advance hearing shall be presented to the judge assigned the case. Upon presentation, the motion shall be date stamped, indicating date of receipt. The motion shall cite the authority and state the reason(s) and factual or other basis for the request. The motion shall be accompanied by a proposed order granting the motion and including an appropriate space for the date and time of the hearing. The assigned judge may grant or deny the motion, and such grant or denial shall not be subject to review or reconsideration. If granted, the date and time for the hearing shall be indicated on the order. The motion and order shall be transmitted to the Legal Documents Branch/Section for filing.

(B) Requests to reschedule hearings shall be made by motion or stipulation. The stipulation shall state the reason for rescheduling the hearing and shall be presented for approval to the judge assigned the case at least 48 hours before the scheduled hearing. Upon the judge's approval or denial of the stipulation, it shall be presented to the Legal Documents Branch/Section for filing.

(6) COPIES FOR JUDGE.

(A) *First Circuit.* A party filing a motion, response to a motion, or other document pertaining to a motion, shall deliver 2 file-stamped copies of the motion, response, or document to the chambers of the assigned judge on the filing date.

(B) *Second, Third, and Fifth Circuits.* The filing party shall submit 2 copies of the motion, response, or document to the Legal Documents Branch/Section for the assigned judge upon presentation of the original for filing.

IT IS FURTHER ORDERED that Form C (1-5), Form D (1-5), and Exhibit B, attached hereto, are adopted and shall be appended to the Rules of the Circuit Courts of the State of Hawai'i, effective January 1, 2012.

IT IS FINALLY ORDERED that, on or before July 1, 2013, the Permanent Committee on Rules of Civil Procedure and Circuit Court Rules shall submit to this court a report characterizing the effectiveness of these rule amendments. The report may include recommendations for further amendments or repeal of any rules.

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

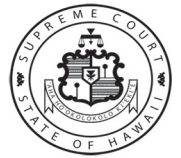
/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna



Form C-1. Sample Format for Hearing Motion: MOTION

DAVID JONES 0000
1234 King Street
Honolulu, HI 96813
Tel: (808) 524-1234

Attorney for Plaintiff ABC, Inc.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

ABC, INC.,	)	Civil No. _____
	)	(Case category, <i>see</i> RCCH Rule 3(c)(5))
Plaintiff,)	
	)	PLAINTIFF ABC, INC.'S MOTION FOR
vs.	)	SUMMARY JUDGMENT; MEMORANDUM
	)	IN SUPPORT OF MOTION; AFFIDAVIT OF
XYZ, INC.,	)	JOHN SMITH; DECLARATION OF MARY
	)	SMITH; EXHIBITS 1-5; NOTICE OF
Defendant.	)	HEARING; AND CERTIFICATE OF SERVICE
)	
	)	<u>HEARING MOTION</u>
	)	JUDGE: _____
	)	TRIAL DATE: _____
	)	HEARING DATE: _____
	)	HEARING TIME: _____
)	

PLAINTIFF ABC, INC.'S MOTION FOR SUMMARY JUDGMENT

(Text of motion with citation to legal authority)

DATED: Honolulu, Hawai'i, _____ (date).

(signature)
DAVID JONES
Attorney for Plaintiff ABC, Inc.

Form C-2. Sample Format for Hearing Motion: MEMORANDUM IN SUPPORT OF MOTION

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

ABC, INC.,	)	Civil No. _____
	)	(Case category, <i>see</i> RCCH Rule 3(c)(5))
Plaintiff,)	
	)	MEMORANDUM IN SUPPORT OF MOTION
vs.)	
)	
XYZ, INC.,)	
)	
Defendant.)	
_____)	

MEMORANDUM IN SUPPORT OF MOTION

(Text of Memorandum)

DATED: Honolulu, Hawai'i, _____ (date).

(signature)
DAVID JONES
Attorney for Plaintiff ABC, Inc.

Form C-3. Sample Format for Hearing Motion: AFFIDAVIT

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

ABC, INC.,	)	Civil No. _____
	)	(Case category, <i>see</i> RCCH Rule 3(c)(5))
Plaintiff,)	
	)	AFFIDAVIT OF JOHN SMITH
vs.)	
)	
XYZ, INC.,)	
)	
Defendant.)	
_____)	

AFFIDAVIT OF JOHN SMITH

State of Hawai'i)
	) ss.
City and County of Honolulu)

JOHN SMITH, being first duly sworn on oath, deposes and says:

(Text of Affidavit)

Further affiant sayeth naught.

 (signature)
 JOHN SMITH

Subscribed and sworn to before me
this ____ day of _____, 20__.

(Notary Public Seal)

 (signature)
 NOTARY PUBLIC, State of Hawai'i

My commission expires: ____ (date) ____

Form C-4. Sample Format for Hearing Motion: DECLARATION

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

ABC, INC.,	)	Civil No. _____
	)	(Case category, <i>see</i> RCCH Rule 3(c)(5))
Plaintiff,)	
	)	DECLARATION OF MARY SMITH
vs.)	
)	
XYZ, INC.,)	
)	
Defendant.)	
_____)	

DECLARATION OF MARY SMITH

(Text of Declaration)

I, MARY SMITH, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, _____ (date).

(signature)
MARY SMITH

Form C-5. Sample Format for Hearing Motion: NOTICE OF HEARING

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

ABC, INC.,	)	Civil No. _____
	)	(Case category, <i>see</i> RCCH Rule 3(c)(5))
Plaintiff,)	
	)	NOTICE OF HEARING AND CERTIFICATE
vs.	)	OF SERVICE
)	
XYZ, INC.,)	
)	
Defendant.)	
_____)	

NOTICE OF HEARING

TO: Jane Brown
87 King Street
Honolulu, Hawai'i 96813

Attorney for Defendant XYZ, Inc.

NOTICE IS HEREBY GIVEN that the Motion for Summary Judgment shall come on for hearing before the Honorable (name of judge) , Judge of the above-entitled court, in his/her courtroom at (address) on (day & date) at (time) , or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawai'i, (date) .

(signature)
DAVID JONES
Attorney for Plaintiff ABC, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing motion will be served on the above-identified parties at their respective addresses by (*hand delivery or depositing the same in the United States mail, postage prepaid*) on _____ (service date) _____.

DATED: Honolulu, Hawai'i, _____ (date) _____.

(signature)
DAVID JONES
Attorney for Plaintiff ABC, Inc.

Form D-1. Sample Format for Non-Hearing Motion: MOTION

DAVID JONES 0000
1234 King Street
Honolulu, HI 96813
Tel: (808) 524-1234

Attorney for Plaintiff ABC, Inc.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

ABC, INC.,	)	Civil No. _____
	)	(Case category, <i>see</i> RCCH Rule 3(c)(5))
Plaintiff,)	
	)	PLAINTIFF ABC, INC.'S MOTION TO
vs.	)	COMPEL DISCOVERY; MEMORANDUM IN
	)	SUPPORT OF MOTION; AFFIDAVIT OF
XYZ, INC.,	)	JOHN SMITH; DECLARATION OF MARY
	)	SMITH; EXHIBITS 1-5; NOTICE OF MOTION
Defendant.	)	AND CERTIFICATE OF SERVICE
)	
)	
	)	<u>NON-HEARING MOTION</u>
)	
	)	JUDGE: _____
)	
	)	TRIAL DATE: _____
_____)	

PLAINTIFF ABC, INC.'S MOTION TO COMPEL DISCOVERY

(Text of motion with citation of legal authority)

DATED: Honolulu, Hawai'i, _____ (date) _____.

(signature)
DAVID JONES
Attorney for Plaintiff ABC, Inc.

Form D-2. Sample Format for Non-Hearing Motion: MEMORANDUM IN SUPPORT OF MOTION

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

ABC, INC.,	)	Civil No. _____
	)	(Case category, <i>see</i> RCCH Rule 3(c)(5))
Plaintiff,)	
	)	MEMORANDUM IN SUPPORT OF MOTION
vs.)	
)	
XYZ, INC.,)	
)	
Defendant.)	
_____)	

MEMORANDUM IN SUPPORT OF MOTION

(Text of Memorandum)

DATED: Honolulu, Hawai'i, _____ (date) _____.

(signature)
DAVID JONES
Attorney for Plaintiff ABC, Inc.

Form D-3. Sample Format for Non-Hearing Motion: AFFIDAVIT

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

ABC, INC.,	)	Civil No. _____
	)	(Case category, <i>see</i> RCCH Rule 3(c)(5))
Plaintiff,)	
	)	AFFIDAVIT OF JOHN SMITH
vs.)	
)	
XYZ, INC.,)	
)	
Defendant.)	
_____)	

AFFIDAVIT OF JOHN SMITH

State of Hawai'i)
	) ss.
City and County of Honolulu)

JOHN SMITH, being first duly sworn on oath, deposes and says:

(Text of Affidavit)

Further affiant sayeth naught.

 (signature)
 JOHN SMITH

Subscribed and sworn to before me
this ____ day of _____, 20__.

(Notary Public Seal)

 (signature)
 NOTARY PUBLIC, State of Hawai'i

My commission expires: (date)

Form D-4. Sample Format for Non-Hearing Motion: DECLARATION

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

ABC, INC.,	)	Civil No. _____
	)	(Case category, <i>see</i> RCCH Rule 3(c)(5))
Plaintiff,)	
	)	DECLARATION OF MARY SMITH
vs.)	
)	
XYZ, INC.,)	
)	
Defendant.)	
_____)	

DECLARATION OF MARY SMITH

(Text of Declaration)

I, MARY SMITH, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, _____ (date).

(signature)
MARY SMITH

**Form D-5. Sample Format for Non-Hearing Motion:
NOTICE OF MOTION AND CERTIFICATE OF SERVICE**

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

ABC, INC.,	)	Civil No. _____
	)	(Case category, <i>see</i> RCCH Rule 3(c)(5))
Plaintiff,)	
	)	NOTICE OF MOTION AND CERTIFICATE OF
vs.	)	SERVICE
)	
XYZ, INC.,)	
)	
Defendant.)	
_____)	

NOTICE OF MOTION

TO: Jane Brown
87 King Street
Honolulu, Hawai'i 96813

Attorney for Defendant XYZ, Inc.

NOTICE IS HEREBY GIVEN that the undersigned has filed with the above-entitled court the motion attached hereto. Any response to said motion must be filed and served no later than 10 days after the service date indicated on the attached Certificate of Service. Pursuant to Rule 6(e) of the Hawai'i Rules of Civil Procedure, if the motion is served by mail, any response to said motion must be filed and served no later than 12 days after the service date indicated on the attached Certificate of Service.

DATED: Honolulu, Hawai'i, _____ (date).

(signature)
DAVID JONES
Attorney for Plaintiff ABC, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing motion will be served on the above-identified parties at their respective addresses by (*hand delivery or depositing the same in the United States mail, postage prepaid*) on _____ (service date) _____.

DATED: Honolulu, Hawai‘i, _____ (date) _____.

(signature)
DAVID JONES
Attorney for Plaintiff ABC, Inc.

EXHIBIT B

Non-Hearing Motions

Add to Record on Appeal (Agency Appeal)

Alter or Amend Order or Judgment

Amend Pre-Trial Statement or Responsive Pre-Trial Statement

Amend Answer

Amend Complaint, Crossclaim, Counterclaim or Any Other Claim

Attorney's Charging Lien

Attorney's Fees (except motions for attorneys fees as a sanction pursuant to HRCP 11 or in a foreclosure case are hearing motions)

Bifurcation as to Issues or as to Third Party Claims (motion for bifurcation as to parties is a hearing motion)

Change of Venue

Clarification of Order or Judgment

Clerk to Sign Quitclaim Deed

Consolidate (Must have consolidated captions)

Note: Decided by judge assigned to case with earliest filing date.

Continue Action by or Against Representative of Incompetent Party (HRCP 25(b))

Doe Defendants, Allow Additional Time to Name or Identify (HRCP 17)

Doe Defendants, Certify or Identify

Doe Defendants, Extend Time to File Certification of Doe Defendants

Expunge Lis Pendens

Extend, Review, Revive Judgment pursuant to HRS §657-5

Note: HRS §657-5 allows hearing or non-hearing motion to extend life of judgment.

Extend Time for Third Party to File Pre-Trial Statement or Responsive Pre-Trial Statement

Extend Time to File Motion for Summary Judgment (less than 50 Days Before Trial Date)(HRCP 56(c))

Extend Time to File Pre-Trial Statement or Responsive Pre-Trial Statement

Note: may be done ex parte or by Stipulation and Order

Extend Time to Respond to Non-Hearing Motions Filed

File Counterclaim, Crossclaim or Any Other Claim

File Third-Party Complaint (HRCP 14(a))

Intervene

Joinder or Non-Joinder of Parties

Jury Trial

Leave to Dispose of Property Free and Clear

Leave to Present Counterclaim Maturing or Acquired After Pleading

Leave to Set Up Omitted Counterclaim by Amendment

More Definite Statement

Open Sealed Deposition

Payment of Undisputed Portion of Estimated Compensation

Reconsideration of Order or Judgment

Rehear a Hearing Motion (where no written order was filed)

Rehear Non-Hearing Motion (where no written order was filed)

Reimbursement of Out-of-Pocket Expenses

Release Mortgage

Set Aside Default or Vacate Default Entered by Clerk or by the Court

Set Aside Entry of Default Judgment

Set Aside or Vacate Order or Judgment

Sever Claims

Strike Claim

Substitution of Parties

Withdraw Monies

Witness, Extend Time to Name Witness or Name Final Witness

Witness, Extend Witness Cut-Off Date