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SCRU-10-0000012

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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In the Matter of the

HAWAI'I RULES OF APPELLATE PROCEDURE

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ORDER AMENDING RULES 40.1(e) AND 40.1(g)  
OF THE HAWAI'I RULES OF APPELLATE PROCEDURE

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

IT IS HEREBY ORDERED that Rules 40.1(e) and 40.1(g) of the Hawai'i Rules of Appellate Procedure are amended, effective upon entry of this order, as follows (deleted material is bracketed and stricken; new material is underscored):

**Rule 40.1. APPLICATION FOR WRIT OF  
CERTIORARI IN THE SUPREME  
COURT.**

\* \* \*

**(e) Response; form; extension of time; reply.**

(1) TIME TO FILE; FORM. Within 15 days after the filing of an application for a writ of certiorari, any other party to the case may, but need not, file and serve a brief written response, not to exceed 12 pages, containing a statement of reasons why the application should not be accepted.

(2) REQUEST EXTENDING TIME; TIME TO FILE. A party may extend the time to file a response to an application for a writ of certiorari by filing a written request for an extension. The request for extension shall be filed no later than 15 days after the filing date of the application for a writ of certiorari.

(3) TIMELY REQUEST; AUTOMATIC EXTENSION; NOTICE. Upon receipt of a timely written request, the appellate clerk shall grant a 15-day extension of time to file a response to the application for a writ of certiorari. The appellate clerk shall note on the record that the extension was granted. The clerk shall give notice the request is timely and granted.

(4) NO EXTENSION IF UNTIMELY. An untimely request shall not extend the time. The clerk shall give notice the request is untimely and denied.

(5) REPLY. Within 7 days after a response is filed any party may, but need not, file and serve a reply to the statement of reasons set forth in the response. The reply shall not exceed 5 pages.

\* \* \*

**(g) Determination.** The supreme court shall act upon an application for a writ of certiorari no later than 30 days after a ~~an~~ [objection] response is or could have been filed. The failure of the supreme court to accept the application within the 30 days shall constitute a rejection of the application. In cases where multiple [objections] responses are filed, the 30-day time period to accept the application for writ of certiorari shall be calculated from the date of the latest timely-filed [objection] response.

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DATED: Honolulu, Hawai'i, October 12, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

