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Supreme Court
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SCRU-10-000012

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the

HAWAII RULES OF APPELLATE PROCEDURE

ORDER AMENDING THE HAWAII RULES OF APPELLATE PROCEDURE

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

IT IS HEREBY ORDERED that Rule 54 of the Hawai'i Rules of Appellate Procedure is amended, effective as of January 1, 2019, as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 54. NOTICE OF BANKRUPTCY FILING; ~~[LIFTING]~~RELIEF FROM OR TERMINATION OF STAY OF PROCEEDINGS BY FEDERAL DISTRICT OR BANKRUPTCY COURT.

(a) Notice of appeal; record on appeal; briefing. Whenever a federal district or bankruptcy court [~~lifts or~~] terminates or otherwise grants relief from a stay of proceedings that has been entered with respect to a civil case in which an appeal is permitted by law and no notice of appeal has been filed, the provisions of Rule 4 of these Rules shall apply as if the date of [~~lifting or~~] termination of, or other grant of relief from, the stay was the date of entry of the judgment appealed from; if a notice of appeal has been filed but the record not yet docketed, provisions of Rules 10, 11, and 12 of these Rules shall apply as if the date of [~~lifting or~~] termination of, or other grant of relief from, the stay was the date of filing the notice of appeal; if the record has been filed and briefing has not been completed, the provisions of Rules 28, 29, and 30 of these Rules shall apply as if the date of [~~lifting or~~] termination of, or other grant of relief from, the stay was the date of the filing of the last appropriate document.

(b) Notice. If any party has knowledge of a bankruptcy action that stays an appeal, including when a party files for bankruptcy while an appeal is pending, the party with knowledge shall immediately file a notice of bankruptcy with the appellate court. The notice shall include the name of the federal district or bankruptcy court, the case number of the bankruptcy filing, and the date of its initiation. On the [lifting or] termination of, or other grant of relief by the federal district or bankruptcy court from, [of] a stay of proceedings pending in the Hawai'i appellate courts, each party with such knowledge shall file a notification thereof with the appellate court within 7 days.

DATED: Honolulu, Hawai'i, October 23, 2018.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

