

**Electronically Filed
Supreme Court
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SCPW-20-0000200 and SCPW-20-0000213

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

SCPW-20-0000200

OFFICE OF THE PUBLIC DEFENDER, Petitioner,

vs.

CLARE E. CONNORS, Attorney General of the State of Hawai‘i;
DONALD S. GUZMAN, Prosecuting Attorney, County of Maui;
MITCHELL D. ROTH, Prosecuting Attorney, County of Hawai‘i;
JUSTIN F. KOLLAR, Prosecuting Attorney, County of Kaua‘i;
DWIGHT K. NADAMOTO, Acting Prosecuting Attorney, City and County
of Honolulu, Respondents.

SCPW-20-0000213

STATE OF HAWAI‘I OFFICE OF THE PUBLIC DEFENDER, Petitioner,

vs.

DAVID Y. IGE, Governor, State of Hawai‘i; NOLAN P. ESPINDA,
Director, State of Hawai‘i Department of Public Safety;
EDMUND (FRED) K.B. HYUN, Chairperson, Hawai‘i Paroling Authority,
Respondents.

ORIGINAL PROCEEDING

FIFTH INTERIM ORDER

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

On May 15, 2020, in response to this court's May 4, 2020 Fourth Interim Order, Special Master Daniel R. Foley ("Special Master") filed his Fourth Summary Report and Recommendations with thirteen attachments ("Fourth Interim Report"). The Fourth Interim Report provides an update on implementation of this court's orders as well as other efforts, including the parties' agreement to engage in mediation to explore the possibility of a mutually agreeable solution in this matter.

This court appreciates the ongoing efforts that have been undertaken by the Special Master, the parties, the amici, and the many stakeholders to work collaboratively to protect public health and public safety.

Upon consideration of the Fourth Interim Report, including the attachments, and the record,

IT IS HEREBY ORDERED that:

1. The parties are encouraged, under the direction of the Special Master, to continue their ongoing, collaborative efforts to address issues in this pending consolidated proceeding, including participating in mediation as set forth in the Fourth Interim Report.

2. The Special Master shall file another summary report with any recommendations by May 28, 2020, or earlier if he deems appropriate. In his discretion, the Special Master may file confidential documents under seal.

3. This court reserves its authority to order other measures based on changed circumstances.

DATED: Honolulu, Hawai'i, May 19, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

