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SP. No. 1CSP-20-0000082

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

In the Matter of the

CIRCUIT COURT OF THE FIRST  
CIRCUIT'S RESPONSE TO THE COVID-19  
OUTBREAK

) SP. No. 1CSP-20-0000082

) (Special Proceeding)

) THIRD AMENDED EMERGENCY  
) ORDER #5 REGARDING DISTRICT  
) COURT OF THE FIRST CIRCUIT

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THIRD AMENDED EMERGENCY ORDER #5  
REGARDING DISTRICT COURT OF THE FIRST CIRCUIT

This matter comes before the Court in light of the public health emergency in the State of Hawai'i. Pursuant to the Orders of Chief Justice Mark E. Recktenwald filed March 16, 2020, April 17, 2020, April 24, 2020, April 27, 2020, May 22, 2020, and May 28, 2020, under SCMF No. 20-0000152 regarding the coronavirus (COVID-19) and with authority as Chief Judge of the above-entitled Court, IT IS HEREBY ORDERED:

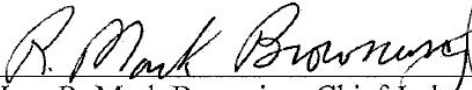
1. The following shall apply to district court criminal proceedings and criminal traffic proceedings:
  - A. In-person proceedings involving defendants in the custody of the Oahu Community Correctional Center (OCCC), the Hawai'i State Hospital (HSH), and/or the Honolulu Police Department (HPD) will proceed as scheduled.
  - B. In-person proceedings involving defendants who are not in the custody of OCCC, HSH, and/or HPD will be postponed until after June 30, 2020.
2. The following shall apply to district court felony matters:
  - A. Initial appearances in felony matters will proceed as scheduled.
  - B. Preliminary hearings in felony matters will proceed as scheduled.
3. The following shall apply to the district court mental health calendar and matters under Hawai'i Revised Statutes Chapter 704:
  - A. Hearings on (1) Orders for Temporary Hospitalization, (2) Motions to Revoke Conditional Release, and (3) any essential hearings will proceed as scheduled.
  - B. All other hearings shall be postponed until after June 30, 2020.
4. The following shall apply to the district court specialty courts:
  - A. DWI Court hearings may resume. Remote hearings are encouraged, to the extent possible.
  - B. All Community Outreach Court hearings will be postponed until after June 30, 2020.
5. The following shall apply to district court traffic infraction proceedings:
  - A. Traffic infraction hearings under Haw. Rev. Stat. § 291D-8 that can be adjudicated based on the submission of written statements may proceed as scheduled.

- B. Traffic infraction hearings under Haw. Rev. Stat. § 291D-8 that can be adjudicated through remote hearings and/or telephonic appearances may proceed as scheduled.
  - C. In-person traffic infraction hearings under Haw. Rev. Stat. § 291D-8 will be postponed until after June 30, 2020.
  - D. Traffic infraction trials under Haw. Rev. Stat. § 291D-13 will be postponed until after June 30, 2020.
6. The following shall apply to all district court civil proceedings:
- A. Temporary restraining order matters under Haw. Rev. Stat. § 604-10.5 will proceed as scheduled. Temporary restraining orders based on illegal lockouts and utility shutoffs will also proceed as scheduled.
  - B. Pretrial conferences may resume on June 8, 2020. Remote proceedings are encouraged, to the extent possible.
  - C. Settlement conferences may resume on June 8, 2020. Remote proceedings are encouraged, to the extent possible.
  - D. Answers, returnables, motions, status conferences, and other proceedings may resume on dates and at locations to be determined by the Deputy Chief Judge of the District Court, First Circuit. Remote proceedings are encouraged, to the extent possible.
  - E. Civil trials may resume on dates and at locations to be determined by the Deputy Chief Judge of the District Court, First Circuit.
7. The Deputy Chief Judge of the District Court, First Circuit, may issue additional orders and adjust court operations consistent with this Order and the Orders issued by Chief Justice Recktenwald in SCMF No. 20-0000152, *In re the Judiciary's Response to the COVID-19 Outbreak*.

8. This Order may be modified as circumstances warrant, but absent further action this Order shall remain in effect

It is so Ordered.

DATED: Honolulu, Hawai'i, MAY 28 2020.

  
Hon. R. Mark Browning, Chief Judge  
First Circuit Court, State of Hawai'i

