



Circuit Court of the First Judicial Circuit - THE JUDICIARY • STATE OF HAWAII  
CHAMBERS OF THE FIFTH DIVISION • 777 PUNCHBOWL STREET • KA'AHUMANU HALE • HONOLULU, HAWAII 96813  
TELEPHONE (808)539-4070

**R. MARK BROWNING**  
CHIEF JUDGE  
CIRCUIT COURT OF THE FIRST CIRCUIT

## MEMORANDUM

To: Members of the Hawai'i Bar  
All First Circuit Court Civil Users and Practitioners

From: R. Mark Browning  
Chief Judge

Re: Civil Cases Assigned to Judge Lisa W. Cataldo

Date: January 19, 2021

---

The COVID-19 pandemic has put a tremendous strain on Judiciary resources. Currently, there is a backlog of more than 2,200 criminal jury trials in the First Circuit Court since jury trials were suspended last March to protect the health and safety of jurors, parties, attorneys, and Judiciary employees. Compounding the backlog of criminal cases are **four** judicial vacancies in the First Circuit Court. All of the vacancies are in the criminal division.

Given the constitutional issues involved in criminal proceedings, the backlog of criminal jury trials, as well as judicial vacancies, Judge Lisa Cataldo was assigned to the family division to preside over domestic violence jury trials as of December 14, 2020. Her return date to the civil division is unknown at this time.<sup>1</sup>

Effective immediately, civil cases assigned to Judge Cataldo will be assigned to another judge in the civil division on a temporary basis when there is certain activity or an event initiated by a party.

Case activity and events that will result in a temporary case assignment are hearing motions, ex parte motions for temporary restraining order (HRCF 65), and requests for status or settlement conferences.

---

<sup>1</sup> There are no current plans to assign any other circuit court judge from the civil division to the criminal division.

Other ex parte motions, non-hearing motions, and trial setting status conferences will continue to be handled by Judge Cataldo (9th division), unless the case has already been temporarily assigned to another civil judge.

Once a case is temporarily assigned to another civil judge, the case will remain with that particular judge for all further activity until Judge Cataldo returns to the civil division (or another judge is assigned to the civil division).

Below are instructions for counsel and self-represented parties, and information on what parties and attorneys generally should expect with respect to case events/activity.

**A. Hearing Motions (to be filed):**

1. Attorneys must email the 9th division to request a hearing date.
2. The 9th division will confirm receipt of your request and an Order of Temporary Case Assignment will be filed.
3. Upon the filing of the Order of Temporary Case Assignment, you must email the newly assigned judge's chambers to request a hearing date and time.
4. After receiving the hearing information from the new judge's chambers, you must promptly file your motion and notice of hearing with the assigned hearing date, time and judge.

**B. Hearing Motions (with dates previously set by the 9th Division):**

1. If you filed a hearing motion with Judge Cataldo and you were already assigned a hearing date in 2021, but you would like the motion heard earlier, please email the 9th division to request an earlier hearing date.
2. The 9th division will confirm receipt of your request and an Order of Temporary Case Assignment will be filed.
3. Upon the filing of the Order of Temporary Case Assignment, you must email the newly assigned judge's chambers to request a new hearing date and time.
4. After receiving the hearing information from the new judge's chambers, you must promptly file an amended notice of hearing with the newly assigned hearing date and time.

**C. Settlement Conferences:**

1. If all appearing parties are in agreement, email the 9th division to request a settlement conference.
2. An Order of Temporary Case Assignment will be filed.
3. Upon the filing of the Order of Temporary Case Assignment, counsel must email the newly assigned judge's chambers to schedule the settlement conference.

**D. Status Conferences:**

1. Email the 9th division to request a status conference with the court.

2. An Order of Temporary Case Assignment will be filed.
3. Upon the filing of the Order of Temporary Case Assignment, counsel must email the newly assigned judge's chambers to schedule the conference.

**E. Non-Hearing Motions:**

1. Electronically file your non-hearing motion.
2. The motion will be disposed of by Judge Cataldo and the case will not be temporarily assigned to another judge unless or until there is a hearing motion filed or a request for a status or settlement conference with the court.

**F. Ex Parte Motions:**

1. Ex Parte Motions for Temporary Restraining Order (HRCP 65):
  - a. Electronically file your ex parte motion for temporary restraining order.
  - b. An Order of Temporary Case Assignment will be filed.
  - c. You do not need to do anything further unless you are contacted by the newly assigned division, the judge issues an interim order or instructions, or rules on the motion.
2. All other Ex Parte Motions:
  - a. Electronically file your ex parte motion.
  - b. Your motion will be disposed of by Judge Cataldo and the order will be processed and filed by the 9th Division.

**G. Trial Setting Status Conferences:**

1. Email the 9th Division to request a trial setting status conference.
2. The 9th Division will inform you of the date and time of the trial setting status conference.
3. The case will not be temporarily assigned unless there is some activity or event initiated by party, such as a hearing motion or a request for a settlement or other status conference with the court.

**H. Division Emails:**

<b>Division:</b>	<b>Judge:</b>	<b>Email:</b>
3	R. Mark Browning, Chief Judge	<a href="mailto:3rdDivision.1CC@courts.hawaii.gov">3rdDivision.1CC@courts.hawaii.gov</a>
4	John M. Tonaki	<a href="mailto:4thDivision.1CC@courts.hawaii.gov">4thDivision.1CC@courts.hawaii.gov</a>
5	Jeannette H. Castagnetti, Deputy Chief Judge, Civil Division	<a href="mailto:5thDivision.1CC@courts.hawaii.gov">5thDivision.1CC@courts.hawaii.gov</a>
6	Jeffrey P. Crabtree	<a href="mailto:6thDivision.1CC@courts.hawaii.gov">6thDivision.1CC@courts.hawaii.gov</a>
7	Dean E. Ochiai	<a href="mailto:7thDivision.1CC@courts.hawaii.gov">7thDivision.1CC@courts.hawaii.gov</a>
9	Lisa W. Cataldo	<a href="mailto:9thDivision.1CC@courts.hawaii.gov">9thDivision.1CC@courts.hawaii.gov</a>
10	James H. Ashford	<a href="mailto:10thDivision.1CC@courts.hawaii.gov">10thDivision.1CC@courts.hawaii.gov</a>

14	Gary W.B. Chang	<a href="mailto:14thDivision.1CC@courts.hawaii.gov">14thDivision.1CC@courts.hawaii.gov</a>
21	Bert I. Ayabe	<a href="mailto:21stDivision.1CC@courts.hawaii.gov">21stDivision.1CC@courts.hawaii.gov</a>

We ask for your patience. Orders of temporary case assignment are not automatically generated by the Judiciary's Electronic Filing System and must be prepared by court staff. The First Circuit Court is experiencing a substantial case backlog, as well as judicial vacancies and staffing shortages. Attorneys should expect delays in obtaining hearing dates, temporary case assignments, conferences with the court, and processing orders, so please plan accordingly.

Your understanding is appreciated.