

Electronically Filed
FIRST CIRCUIT
1CSP-20-0000082
17-SEP-2021
04:27 PM
Dkt. 171 DOC

SP. No. 1CSP-20-0000082

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

In the Matter of the)	SP. No. 1CSP-20-0000082
)	(Special Proceeding)
CIRCUIT COURT OF THE FIRST)	
CIRCUIT'S RESPONSE TO THE COVID-19)	AMENDMENT TO SECTION VI.D. OF
OUTBREAK)	THE FOURTEENTH AMENDED
)	EMERGENCY ORDER #5
)	REGARDING DISTRICT COURT OF
)	THE FIRST CIRCUIT
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AMENDMENT TO SECTION VI.D. OF THE FOURTEENTH 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.

In light of the recent surge in COVID-19 infection and hospitalization rates throughout the State of Hawai'i with record numbers of positive cases being reported, the First Circuit Courts will continue to implement additional precautions to further protect the health and safety of First Circuit District Court employees and all court participants. Therefore, pursuant to the Orders of Chief Justice Mark E. Recktenwald filed as of August 16, 2021 in SCMF No. 20-

0000152, In re the Judiciary's Response to the COVID- 19 Outbreak, and with authority as Chief Judge of the First Circuit, the Court hereby amends section VI.D. of the Fourteenth Amended Emergency Order #5 Regarding District Court of the First Circuit (filed August 23, 2021) as follows:

D. Entry Into Judiciary Facilities

As set forth in SCMF-20-0000152, In the Matter of the Judiciary's Response to the COVID-19 Outbreak, Fifth Amended Order Regarding Entering Judiciary Facilities (filed June 15, 2021), no one shall enter Judiciary facilities in the First Circuit if they: (i) have a fever or chills, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness or of COVID-19 as set forth by the Centers for Disease Control and Prevention ("CDC"), except where the Department of Health ("DOH") has advised that quarantine is not necessary; (ii) have had close contact with a person who has or is suspected to have COVID-19, except where the DOH has advised that quarantine is not necessary; or (iii) have traveled outside of Hawai'i in the past ten (10) days and have not either (a) satisfied the State's Safe Travels program's negative test exception to the mandatory self-quarantine period for Trans-Pacific travel and any applicable post-arrival test requirements, or (b) satisfied the State's Safe Travels program's requirements for Trans-Pacific travel regarding completion of a vaccination regimen approved by the DOH, as specified by the Director of the Hawai'i Emergency Management Agency (posted at <http://hawaiiicovid19.com/>), subject to any subsequent travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

Furthermore, all individuals (including employees) at Kauikeaouli Hale (Honolulu District Court), the 'Ewa District Court, the Kāne'ōhe District Court, the Wahiawā District Court, and the Wai'anae District Court (collectively, "District Court Facilities"), shall

wear cloth or disposable masks with a proper fit over the nose and mouth as described and recommended by the CDC (posted at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/types-of-masks.html>) from the time they enter District Court Facilities, while moving through common areas in each of these facilities (including, but not limited to, hallways, stairwells, elevators, escalators, restrooms, waiting areas, copy rooms, break rooms, conference rooms, and file areas), and in the presence of others. Masks shall also be worn when individuals (including employees) are at their personal workspaces (including, but not limited to, courtroom benches, courtroom desks, offices, cubicles, employee work stations, and employee desks), even in situations where social distancing is observed, unless they are separated from others by walls extending from the floor to the ceiling. Masks may be temporarily removed by employees when employees are actively eating and/or drinking. Masks may also be removed by employees when they are isolated in a workspace and are separated from others by walls extending from the floor to the ceiling.

Individuals (other than employees) with breathing issues or other medical conditions where the wearing of a mask may pose a health or safety risk to that individual may request an exemption from the Chief Judge, the Chief Court Administrator, or their designees. Employees with breathing issues or other medical conditions where the wearing of a mask may pose a health or safety risk to that individual may request an exemption from their respective supervisors, who shall consult with the respective Chief Court Administrator, Deputy Chief Court Administrator, or Department Head.

In addition to wearing masks, all individuals at District Court Facilities shall maintain appropriate social distancing of at least six feet (both inside and outside the courtroom), to the extent possible.

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 of Chief Justice Mark E. Recktenwald filed in SCMF No. 20-0000152, In re the Judiciary's Response to the COVID-19 Outbreak.

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, September 17, 2021.

/s/ R. Mark Browning



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