



Circuit Courts

NEW CIVIL JUSTICE IMPROVEMENT RULES
(effective January 1, 2022)

GENERAL INFORMATION
FOR SELF-REPRESENTED LITIGANTS

This packet contains information about the new rules and amendments to the Hawai'i Rules of Civil Procedure and the Rules of the Circuit Courts of the State of Hawai'i that took effect on January 1, 2022.

It is for informational purposes only and should not be relied upon as a source of legal authority. You must read and familiarize yourself with the court rules applicable to your case.

This packet is not legal advice. If you are not represented by an attorney, you should conduct your own research and seek the advice of an attorney licensed in Hawai'i.

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Introduction

On January 1, 2022, new court rules designed to improve civil litigation in Hawai'i Circuit Courts took effect. The new rules and amendments to the **Hawai'i Rules of Civil Procedure (HRCPP)** and the **Rules of the Circuit Courts of the State of Hawai'i (RCCH)** are designed to reduce costs and delay in civil cases and to streamline the litigation process.

Applicability of New Rules

The new rules and amendments apply to new civil cases in the Circuit Courts filed on or after January 1, 2022. The new rules and amendments do not apply to civil cases filed *before* January 1, 2022, unless all parties agree or a court orders otherwise.

Summary of Key Changes

Key changes for certain civil cases filed January 1, 2022 or later involve required initial disclosures of information by the parties before conducting formal discovery and new procedures for scheduling a case for trial and setting case-related deadlines.

Except for cases that are exempt under the new rules (see below), plaintiffs are required to request a **scheduling conference** with the court within 14 days after any defendant is served with the complaint or appears in the case.

Once the court sets a date for the scheduling conference, **the parties must meet** at least 21 days before the scheduling conference to discuss various items, including the nature and basis of their claims and defenses, and the possibility of resolving the case. The parties must also arrange for and discuss the timing of **initial disclosures** and develop a proposed **discovery plan**. All parties are required to confer in good faith and are *jointly responsible* for arranging the conference and submitting a **written report** to the court after their meeting within 14 days of the parties' discovery planning conference.

Initial disclosures must be made by the parties within 14 days of their meeting, unless the parties stipulate or the court orders otherwise.

At least 7 days before the scheduling conference, each party appearing in the case must file a **scheduling conference statement**.

Absent good reason for delay, the court must issue a **scheduling order** setting the trial date and case-related deadlines within 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared, whichever is earlier.

If the parties agree, certain cases may be set on an **expedited track for trial**. Cases assigned to an expedited trial track will be set for trial within 9 months of the scheduling conference. All other applicable cases will be assigned to a **non-expedited trial track** with trial scheduled to begin within 12 months of the scheduling conference (or up to 18 months if requested by a party and based on specific criteria considered by the judge).

Exempt Civil Cases

If the nature of your case falls into any of the categories below, your case is **exempt** from the new disclosure and scheduling requirements:

- Foreclosure
- Cases in the Court Annexed Arbitration Program (CAAP)
- Agency Appeals
- Consumer Debt Collection
- Quiet Title
- Asbestos

Unless a judge orders otherwise, plaintiffs in these exempt civil cases must request a **trial setting status conference** within 8 months after their complaint has been filed. The court will set the date and time for the conference and will schedule the trial and other appropriate deadlines for resolving the case at the trial setting status conference.

The trial setting status conference and other requirements for exempt civil cases can be found at RCCH 12(b).

Although exempt cases are not subject to the new disclosure and scheduling requirements, there are other rule amendments that apply to these exempt civil cases. Therefore, be sure to read and familiarize yourself with all of the new rules and amendments.

New Forms

To assist the parties in navigating the new rule requirements for non-exempt cases, forms are appended to the HRCF and RCCH.¹ The forms are available on the Judiciary's website.

The forms can be filled out and printed through Adobe Acrobat. Alternatively, you may prepare your own document in substantially the same format as the official forms.

The new forms with instructions are appended to this guide.

¹ You may notice that 4 new forms are appended to the HRCF (Forms 33 through 36) and 5 new forms are appended to the RCCH (Forms E-1 through E-5). The Scheduling Conference Statement form (Form E-5 of the RCCH) is not appended to the HRCF because the requirement for parties to file a Scheduling Conference Statement is contained in the RCCH only. All the other forms contain requirements set forth in both the HRCF and the RCCH, and therefore, are appended to both sets of rules.

Setting a Scheduling Conference with the Court

The new rules require a plaintiff to file a notice requesting a scheduling conference with the court within 14 days of service of the complaint upon any defendant or any defendant appearing in the case.

To request the scheduling conference, the plaintiff must file a Notice of Request for Scheduling Conference **and** a [Proposed] Order Setting Scheduling Conference (See Appendix 1 and Appendix 2).

Once the proper documents are filed, the court will set the date and time for the conference and file the Order Setting Scheduling Conference.

The plaintiff is responsible for serving the Order Setting Scheduling Conference on all parties as required by HRCP 16(b)(4) and RCCH 12(a)(4). The plaintiff should use the form Certificate of Service (Re: Order Setting Scheduling Conference) (see Appendix 3) to indicate the manner of service upon all parties.

If your case has more than one defendant and the plaintiff has not served all defendants with the complaint before the scheduling conference, the plaintiff may request to postpone the scheduling conference to allow more time for service upon the remaining defendants. The plaintiff must explain to the court the diligent efforts made to effect service upon the other defendants. If a proper showing is not made, the request to postpone the conference may be denied.

These and other requirements for requesting the scheduling the conference can be found at HRCP 16(b) and RCCH 12(a).

Meeting of the Parties, Discovery Planning, and Joint Report

Once the court sets the date for the Scheduling Conference, the parties must meet and confer as soon as practicable, but at the very least, they must meet 21 days before the Scheduling Conference.

Attorneys and self-represented parties are *jointly responsible* for arranging the meeting, attempting in good faith to agree on a proposed discovery plan during the meeting, and filing a joint report with the court after the meeting.

HRCP 26(f)(2) and RCCH 12(a)(6)(B) detail the matters that must be discussed at the parties' meeting, including:

- ✓ The nature and basis of their claims and defenses;
- ✓ The possibilities for promptly settling or resolving the case;
- ✓ Making or arranging for initial disclosures required by HRCP 26(a)(1);
- ✓ Whether the case should be assigned to an expedited or non-expedited track under HRCP 16.1;
- ✓ Any issues about preserving discoverable information; and

- ✓ Develop a proposed discovery plan

Initial Disclosures. HRCP 26(a)(1) requires the parties to disclose certain information automatically, without the need for discovery requests, within 14 days after the parties' meeting. HRCP 26(a)(1) sets forth the type of information that must be provided by the parties. Generally, the information includes:

- (i) Potential witnesses – name, address and telephone number (if known) of all witnesses (other than experts) reasonably expected to be called at trial and a general statement of the nature of the testimony;
- (ii) Documents – a copy of (or a description by category and location of) all documents, electronically stored information, and tangible things that may be used by the disclosing party to support the disclosing party's claims or defenses;
- (iii) Damages Computations – parties must provide a *computation* of damages of any category of damages claimed by the disclosing party. The parties must also make available for inspection and copying documents or other evidentiary material on which the computation is based, including materials bearing on the nature and extent of injuries suffered. Documents or material that are privileged or protected from disclosure do not need to be disclosed.
- (iv) Insurance – the parties must provide all declarations page(s) of any insurance agreement that may provide coverage for all or part of any judgment in the case and all reservation of rights letter(s) received by the disclosing party or parties.

Expedited or Non-Expedited Track Assignment. HRCP 16.1 allows the parties to agree to assign certain types of cases to an expedited trial track to secure the just, speedy, and efficient resolution of the case. Depending on certain factors discussed with the parties during the scheduling conference, the court may assign the case to an expedited track. Factors the court will take into consideration are:

- Degree of readiness of the case for resolution;
- Number of parties and whether any of the parties are self-represented;
- Monetary value of the case;
- Number and complexity of issues to be resolved;
- Number, extent, and nature of the claims;
- Volume and extent of discovery necessary;
- Number of witnesses, experts, and documents.

You should discuss these factors during the meeting of the parties and determine whether your case is suitable for assignment to an expedited trial track.

Parties should be aware that there are limitations on discovery in expedited track cases and should refer to HRCP 16.1(c) for further details.

Discovery Planning. HRCP 26(f)(3) and RCCH 12(a)(6)(C) list the discovery planning items that must be discussed during the meeting of the parties. These items are:

- Initial and Expert Disclosures -- changes, if any, to the timing, form, or requirements for initial and expert disclosures under HRCP 26(a) and when such disclosures were or will be made;
- Discovery Items and Schedule -- subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or limited to or focused on particular issues;
- Electronically Stored Information – issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced;
- Privilege Matters – issues about claims of privilege or of protection as trial preparation materials, including – if the parties agree on a procedure to assert these claims after production – whether to ask the court to include their agreement in an order under HRE 502;
- Limitations on Discovery – changes, if any, to be made in the limitations on discovery imposed under the HRCP or RCCH, and what other limitations should be imposed.
- Other Orders – Any other protective order issues under HRCP 26(c) or case management issues under HRCP 16(b) and (c).

Joint Report of the Parties. HRCP 26(f)(2) and RCCH 12(a)(6)(B) require the parties to jointly file a written report to the judge outlining the parties' discovery plan.

The Joint Report of the Parties must be filed within 14 days after the meeting of the parties. Please refer to Appendix 4 for a form Joint Report of the Parties.

If the parties disagree on any portion of the discovery plan, the Joint Report should specify the nature of the disagreement.

Scheduling Conference Statement Requirements

In addition to the Joint Report of the Parties, each party must file and serve their own Scheduling Conference Statement no later than 7 days before the scheduling conference.

The rules require the parties to provide certain information in their Scheduling Conference Statement, including a certification that the parties met and conferred as required by RCCH 12(a)(6). If the parties did not meet, you must explain why in your statement.

Please review RCCH 12(a)(7) for requirements related to the Scheduling Conference Statement.

A form Scheduling Conference Statement with Instructions is attached as Appendix 5.

Attendance at the Scheduling Conference and Preparation for Conference

Self-represented parties and lead trial counsel must appear at the scheduling conference. The conference may be held in person or remotely by video.

Parties should review RCCH 12(a)(8) for a detailed list of items the parties should be prepared to discuss with the judge during the scheduling conference. The topics include:

- service of process of parties not yet served;
- jurisdiction and venue;
- motions and filing deadlines:
 - appropriateness and timing of motions to dismiss and/or motions for summary judgment;
 - deadlines to join parties and to amend pleadings;
- assignment of the case to an expedited or non-expedited trial track;
- disclosures and discovery;
- setting further proceedings, including the final pretrial conference and mandatory settlement conference;
- submissions and exchange of trial materials (witness lists, exhibit lists, trial exhibits);
- special procedures, such as consolidation of actions for discovery or pretrial purposes, alternative dispute resolution (including mediation), and application of procedures for cases designated as complex litigation;
- prospects for settlement and parties participation in alternative dispute resolution;
- other matters that may be conducive to the just, efficient, and economical determination of the case.

Scheduling Orders

The new rules require the trial judge to issue a Scheduling Order within 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared, whichever is earlier.

The scheduling order must include a trial date for your case. Your trial must commence within a specified time period. Trials in cases assigned to an expedited track must begin within 9 months of the scheduling conference. Trials in cases assigned to a non-expedited track must begin within 12 months from the conference. In some cases, a trial date may be set no more than 18 months from the scheduling conference, but only if requested by a party and depending on certain factors.

In addition to setting the trial date, the scheduling order will contain other deadlines, such as motions deadlines, expert disclosure and report deadlines, and the discovery cut-off. The scheduling order will also contain the final pretrial conference date and deadline for pretrial statements, a settlement conference date and deadlines for parties to exchange settlement offers. Alternative resolution processes, if appropriate, will also be included in the scheduling order.

The scheduling order will also set forth deadlines for the submission and exchange of trial witness and exhibit lists, exchange of trial exhibits, deposition designations, trial briefs, jury instructions special verdict forms (if applicable), and proposed findings of fact and conclusions of law (if applicable).

Scheduling orders may be modified only for good cause and only with the judge's consent.

For more information on scheduling conferences and scheduling orders, please refer to HRCP 16(b) and RCCH 12(a).

Other Noteworthy Rule Changes for Civil Cases Filed on or after January 1, 2022

Experts. Parties must disclose the identity of testifying expert witnesses and produce detailed expert reports, unless the case falls into an exempt category, all parties agree or a judge orders otherwise.

In the absence of a court order or agreement by the parties, expert disclosures in non-exempt civil cases must be made based on the following schedule:

- the party having the burden of proof on a claim or an affirmative defense must disclose the required information no later than 120 days before trial;
- a party opposing a claim for relief or affirmative defense must disclose the required information no later than 90 days before trial;

- if the expert testimony is solely to rebut evidence disclosed for the first time by a party opposing a claim for relief or affirmative defense, the required disclosures must be made 60 days before trial.

HRCP 26(a)(2) sets forth the timeframes, form, and content of the new expert witness disclosure requirements.

Streamlined Discovery Assistance. In all civil cases filed January 1, 2022 or later, parties may seek resolution of discovery disputes through a streamlined procedure set forth in RCCH 15.1. Parties must agree on using this procedure and must agree on the deadline for submission of letters to the judge. The letters must be 5 pages or less (including all exhibits) and must contain the following information:

- the parties' agreed deadline for the submission of letters to the court;
- the discovery cut off deadline and the trial date;
- a discussion of the discovery dispute and relief sought; and
- a certification that that the parties conferred in good faith and attempted to resolve or minimize the dispute.

Parties should not attempt to submit complex, multi-faceted, or lengthy discovery disputes through this process. Rather, the process should be used for discovery disputes that are limited in scope to only a few issues.

Parties must submit their letters to the judge's chambers. Filing of the letters is not required under the rule. You should contact the judge's chambers to find out if the judge prefers submission of the letters by email or delivery to chambers.

Once the court receives the letters, the judge may make a decision without holding a conference or hearing. If a conference or hearing is set, the judge may hold the hearing in person or remotely by video or phone. Finally, the judge may decide that the dispute cannot be resolved through this process and require a party to file a discovery motion pursuant to court rules.

The prevailing party of this streamlined procedure must prepare the order for the judge's signature and must append the letter briefs to the proposed order. The order must be prepared as required by RCCH 23.

Parties must confer with each other in good faith about the dispute. The conference may be held in person, by telephone, or by video. **Back and forth email communication does not meet the conferral requirement.** Parties must attempt to resolve or minimize the scope of the dispute in a good faith effort to eliminate the need for discovery assistance and must address whether the burden or expense of the discovery outweighs its likely benefit under HRCP 26(b)(2)(iii).

Letter briefs must be signed and include a certification that the parties complied with the conferral requirement. The certification must include the date, time, and length of the meeting or conference, and the names of all participants.

The court will not entertain any request for discovery assistance where the parties do not confer as required by the rule or do not include a proper certification in their letters.

Mandatory Settlement Conferences. Settlement conferences in non-exempt cases are mandatory under the new rules and must be set by the judge at the court's scheduling conference. Parties will be required to exchange written bona fide and reasonable settlement offers prior to the settlement conference. Unless otherwise ordered by the judge, plaintiff's offer must be made before defendant's offer.

Parties must submit confidential settlement conference letters to the judge at least 5 working days before the conference. A settlement conference statement is no longer required. Do not electronically file your confidential settlement letters in JEFS. Confidential settlement letters must be delivered directly to the judge.

Parties should familiarize themselves with the new requirements for settlement conferences set forth in RCCH 12.2.

Pretrial Statements. For all civil cases filed on or after January 1, 2022, pretrial statements are no longer required to be filed within 8 months after a complaint has been filed. Instead, pretrial statements are now required to be filed and served no later than 7 days before the final pretrial conference scheduled by the court. If no final pretrial conference is scheduled, then parties must file and serve their pretrial statements no later than 14 days before trial.

The new rule for pretrial statements, RCCH 12.1, requires the parties to include specific and detailed information in their pretrial statements.

Where to Find the Court Rules and Forms

The official electronic publication of the Hawai'i Rules of Court can be found on the Judiciary's website at <https://www.courts.state.hi.us>. From the Judiciary's home page, click on the "Legal References" tab and then click on "Court Rules." Scroll down until you find the Hawai'i Rules of Civil Procedure and the Rules of the Circuit Courts of the State of Hawai'i.

The official release pages for the HRCPP and the RCCH will identify the new rules and amendments effective January 1, 2022 in a text box. The official publication will also include the older rules that apply to cases filed before January 1, 2022.

The Circuit Court forms included with this packet are available online and can be found by clicking on the "Self-Help" tab and then clicking on "Court Forms."

Appendix 1:
Notice of Request for Scheduling Conference
(with Instructions)

Circuit Courts of the State of Hawai'i

INSTRUCTIONS

**NOTICE OF REQUEST FOR SCHEDULING CONFERENCE
FORM 33 (HRCP) and Form E-1 (RCCH)
(Effective 1/1/2022)**

Please note that this and other forms are available on the Judiciary's website. The forms can be filled out and printed through Adobe Acrobat.

You may use the forms available online or prepare your own document in substantially the same format as the official forms. Please note that the Judiciary Electronic Filing System (JEFS) accepts document files in PDF format only. If you create your own document, you must convert it to a PDF file if you are a JEFS User. If you are not a JEFS User, you must print a hard copy of your document, sign and date the document, and then submit it to the Legal Documents Branch clerk for filing.

Use this form if:

- ☐ You are a plaintiff in a civil case in the circuit court;
- ☐ Your complaint was filed on or after January 1, 2022;
- ☐ Your case is NOT:
 - a foreclosure case
 - assigned to the Court Annexed Arbitration Program (CAAP)
 - an agency appeal
 - a consumer debt collection action
 - a quiet title action
 - an asbestos (toxic tort) action

If the nature of your case falls within any of these categories, **STOP**. DO NOT USE THIS FORM. READ RULE 12(b) of the RULES OF THE CIRCUIT COURTS OF THE STATE OF HAWAII' I FOR TIMING REQUIREMENTS TO REQUEST A TRIAL SETTING STATUS CONFERENCE WITH THE COURT.

- ☐ A defendant has been served with your complaint or a defendant has appeared in the case.
 - Examples of a defendant appearing in a case include, but are not limited to:
 - an attorney coming into court on behalf of a defendant
 - a defendant coming into court appearing without an attorney
 - a defendant filing an answer to a complaint
 - a defendant filing a motion in a case

You must read Rule 16(b) of the Hawai'i Rules of Civil Procedure (HRCP) and Rule 12(a) of the Rules of the Circuit Courts of the State of Hawai'i (RCCH), and comply with the timing requirements for a Plaintiff to request a Scheduling Conference with the court.

1. Make sure to type or print in black ink only.
2. Print or type your name, address, telephone number, and email address in the top left corner. If you are not represented by an attorney, identify yourself as the Plaintiff under your address information. For example,

Jane Doe
123 Bishop Street
Honolulu, Hawai'i 96813
(808)523-6789
janedoe@gmail.com
Plaintiff

3. Fill in the name of the court and the number of the circuit in which your case is filed in the center of the page. "IN THE CIRCUIT COURT OF THE _____ CIRCUIT"

First Circuit:	O'ahu
Second Circuit:	Maui, Moloka'i, and Lana'i
Third Circuit:	Hawai'i
Fifth Circuit:	Kaua'i

The name of the court must be centered on the page and not less than 3 inches from the top.

4. Title of the case: The space to the left of the center of the page is the title of the case. You must fill in the names of all the parties in the complaint.
5. Civil No.: Print or type the civil number assigned to the case by the clerk when the complaint was filed.
6. Type or print the name of the judge assigned to your case.
7. Service of the complaint upon the defendant: You must put the date when the defendant was served with the complaint. If there is more than one defendant, then you must put the date when the first defendant was served with the complaint.

If a defendant has appeared in the case, you must also put the date when the defendant first appeared in the case.

If the defendant has been served with the complaint and the same or a different defendant has also appeared in the case, then check both boxes and fill in the dates, as applicable.

8. Requested date for the scheduling conference: The scheduling conference must take place before the court's deadline to issue a scheduling conference order, which is 90 days after a

defendant has been served with the complaint or 60 days after a defendant has appeared, whichever is earlier.

If you are using the fillable online form, the date requested for the scheduling conference will automatically appear in the form once you input the dates of service of the complaint and a defendant's appearance, as applicable.

If you are not using the fillable form and you drafted your own notice of request for scheduling conference, then you must calculate the applicable 60 or 90 day deadline and enter the date.

9. Sign and date the document, and type or print the city in which you signed the document. If you are not represented by an attorney and are not a registered JEFS User, you must **sign with a black ink pen**.

If you are a registered JEFS User, sign the document by affixing your signature as "/s/ _____" (For example, /s/ Jane Doe).

10. Once you finish your Notice of Request for Scheduling Conference, then prepare a Proposed Order Setting Scheduling Conference. Please refer to the Instructions for the Proposed Order Setting Scheduling Conference.
11. **Do NOT file the Notice of Request for Scheduling Conference without also completing a form Proposed Order Setting Scheduling Conference.** If you do not prepare and file a Proposed Order Setting Scheduling Conference, the setting of your Scheduling Conference will be delayed.
12. Next, go to the Instructions for the Proposed Order Setting Scheduling Conference for further instructions.

(Name of Attorney & Bar Number, Address, Telephone No., Email)

Attorney for Plaintiff(s) or Plaintiff

IN THE CIRCUIT COURT OF THE _____ CIRCUIT

STATE OF HAWAII

		) CIVIL NO. _____
)
	Plaintiff(s),)
vs.		) NOTICE OF REQUEST FOR SCHEDULING
		) CONFERENCE; [PROPOSED] ORDER
		) SETTING SCHEDULING CONFERENCE
)
	Defendant(s).	) JUDGE: _____
)
)
)

NOTICE OF REQUEST FOR SCHEDULING CONFERENCE

Plaintiff enters a Notice of Request for Scheduling Conference pursuant to Rule 16(b)(4) of the Hawai'i Rules of Civil Procedure (HRCP) and Rule 12(a)(4) of the Rules of the Circuit Courts of the State of Hawai'i (RCCH).

HRCP 16(b)(2) and RCCH 12(a)(2) require the court to issue a Scheduling Order within the *earlier* of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared, unless the court finds good cause for delay. The undersigned certifies that (check all that apply):

☐ the first service of the complaint on any defendant was on _____ (date)

☐ the first appearance by any defendant was on _____ (date)

and requests that the Scheduling Conference be held before _____ (insert the applicable 60 or 90 day deadline).

DATED: _____, Hawai'i, _____.

Signature of Attorney or Self-Represented Party

Appendix 2:

Proposed Order Setting Scheduling Conference (with Instructions)

Circuit Courts of the State of Hawai'i

INSTRUCTIONS

**[PROPOSED] ORDER SETTING SCHEDULING ORDER
FORM 34 (HRCP) and Form E-2 (RCCH)
(Effective 1/1/2022)**

Please note that this and other forms are available on the Judiciary's website. The forms can be filled out and printed through Adobe Acrobat.

You may use the forms available online or prepare your own document in substantially the same format as the official forms. Please note that the Judiciary Electronic Filing System (JEFS) accepts document files in PDF format only. If you create your own document, you must convert it to a PDF file if you are a JEFS User. If you are not a JEFS User, you must print a hard copy of your document, sign and date the document, and then submit it to the Legal Documents Branch clerk for filing.

Use this form if:

- ☐ You are a plaintiff requesting a scheduling conference with the circuit court;
- ☐ You read and checked all the boxes in the Instructions for the Notice of Request for Scheduling Conference; and
- ☐ You have filled out a Notice of Request for Scheduling Conference.

If you have not filled out a Notice of Request for Scheduling Conference, please read and follow the Instructions for the Notice of Request for Scheduling Conference before going any further.

1. Be sure you have completed the Notice of Request for Scheduling Conference before filling out this form.
2. Make sure to type or print in black ink only.
3. Print or type your name, mailing address, telephone number, and email address in the top left corner. If you are not represented by an attorney, identify yourself as the Plaintiff under your address information. For example,

Jane Doe
123 Bishop Street
Honolulu, Hawai'i 96813
(808)523-6789
janedoe@gmail.com
Plaintiff

4. Fill in the name of the court and the number of the circuit in which your case is filed in the center of the page. "IN THE CIRCUIT COURT OF THE _____ CIRCUIT"

First Circuit:	O'ahu
Second Circuit:	Maui, Moloka'i, and Lana'i
Third Circuit:	Hawai'i
Fifth Circuit:	Kaua'i

The name of the court must be centered on the page and not less than 3 inches from the top.

5. Title of the case: The space to the left of the center of the page is the title of the case. You must fill in the names of all the parties in the complaint.
6. Civil No.: The space to the right of the center of the page must have the civil number. Print or type the civil number that was assigned to the case by the clerk when the complaint was filed.
7. The title of the document, "[Proposed] Order Setting Scheduling Conference," must be typed or written under the Civil No.
8. Date, time, assigned judge, and location of the conference:
 - Leave blank lines for the date and time. Court staff will fill in the date and time of the conference after the document is filed.
 - Type or print the name of the judge assigned to your case.
 - Do not check any boxes for the location of the conference (in person or video). The judge will decide if the conference will be held in person or remotely by video conference.
9. In paragraph 2, please fill in the court address where the assigned judge is located. If you do not know the address where the judge's courtroom is located, leave the space blank and court staff will complete this information.
10. Once you have completed this form and the Notice of Request for Scheduling Conference, then file both documents.

Self-represented parties: If you are not represented by an attorney and are not a JEFS User, submit your completed documents to the Legal Documents Branch of the respective circuit court for conventional filing by the clerk of court.

- Bring at least 3 extra copies of your documents in case you have to serve any parties by U.S. mail. Make sure to keep a copy for your records.
- Your documents will be date and time stamped by the filing clerk, who will electronically file your original documents.

JEFS Users: If you are a registered JEFFS User, you can upload the documents together as a single document or you may separately file the Notice of Request for Scheduling Conference as the lead document with the [Proposed Order] Setting Scheduling Conference as a supporting document.

11. After your documents are filed, the date, time and location (in person or by video conference) for your Scheduling Conference will be set by the court and the Order Setting Scheduling Conference will be filed by court staff.

If you are a self-represented party and are not a registered JEFFS User in your case, a copy of the Order Setting Scheduling Conference will be mailed to you.

(Name of Attorney & Bar Number, Address, Telephone No., Email)

Attorney for Plaintiff(s) or Plaintiff

IN THE CIRCUIT COURT OF THE _____ CIRCUIT

STATE OF HAWAII

	)	CIVIL NO. _____
)	
Plaintiff(s),)	
)	
vs.	)	[PROPOSED] ORDER SETTING
	)	SCHEDULING CONFERENCE
)	
Defendant(s).	)	Date: _____
	)	Time: _____
	)	Judge: _____
)	

[PROPOSED] ORDER SETTING SCHEDULING CONFERENCE

(READ THIS ORDER CAREFULLY)

IT IS HEREBY ORDERED that the parties shall appear (check one):

☐ **In person**

☐ **Video Conference**

for a scheduling conference on _____ at _____ .m. before the Honorable

_____, pursuant to Rule 16(b) of the Hawai'i Rules of Civil Procedure

(HRCP) and Rule 12(a) of the Rules of the Circuit Courts of the State of Hawai'i (RCCH).

1. Lead trial counsel and self-represented parties are required to attend.

2. **In person** conferences are held in the judge's courtroom located at

_____ (insert address).

Please be prompt and inform the Law Clerk of your presence. **Video conferences** are conducted via **Zoom**. Parties are instructed to read the court's Zoom Video Conferencing Instructions for Attorneys and Other Participants filed in this case to participate in a video conference.

3. The parties are reminded that a meeting of the parties must occur at least 21 days before the scheduling conference. The parties must confer in good faith on the following:

- The basis of their claims and defenses;
- Possibilities for promptly settling or resolving the case;
- Initial disclosures as required by HRCP 26(a)(1);
- Assignment of the case to an expedited or non-expedited track under HRCP 16.1;
- Issues about preserving discoverable information; and
- A proposed discovery plan as required by HRCP 26(f)(3) and RCCH 12(a)(6)(C).

HRCP 26(f); RCCH 12(a)(6). The parties are expected to review the applicable court rules which set forth in detail the information the parties are required to discuss.

4. A joint report of the parties outlining the parties' discovery plan must be filed within 14 calendar days after the meeting of the parties. HRCP 26(f); RCCH 12(a)(6)(B).

5. Each party shall file a scheduling conference statement in accordance with RCCH 12(a)(7) no later than 7 calendar days before the scheduling conference.

6. Plaintiff(s) is(are) required to promptly serve this Order on all parties who have been served with the complaint, but who have not yet appeared in this case. Plaintiff(s) must also serve this Order on all unrepresented parties who are not JEFS Users and who have not consented to electronic service.

7. Failure to comply with either any part of this Order or to attend the scheduling conference may result in sanctions (including fines, dismissal, entry of default, and an award of attorneys' fees and costs). RCCH 12(l).

DATED: _____, Hawai'i, _____.

Judge of the above-entitled Court

Appendix 3:
Certificate of Service Re: Order Setting
Scheduling Conference
(with Instructions)

Circuit Courts of the State of Hawai'i

INSTRUCTIONS

CERTIFICATE OF SERVICE (RE: ORDER SETTING SCHEDULING CONFERENCE)

FORM 35 (HRCF) and Form E-3 (RCCH)

(Effective 1/1/2022)

Please note that this and other forms are available on the Judiciary's website. The forms can be filled out and printed through Adobe Acrobat.

You may use the forms available online or prepare your own document in substantially the same format as the official forms. Please note that the Judiciary Electronic Filing System (JEFS) accepts document files in PDF format only. If you create your own document, you must convert it to a PDF file if you are a JEFS User. If you are not a JEFS User, you must print a hard copy of your document, sign and date the document, and then submit it to the Legal Documents Branch clerk for filing.

Use this form if:

- ☐ You are a plaintiff;
- ☐ The court issued an Order Setting Scheduling Conference;
- ☐ You need to certify or prove that you served a copy of the Order Setting Scheduling Conference on the parties.

You must complete and file this document as proof that you served a copy of the filed Order Setting Scheduling Conference as required by HRCF 16(b)(4) and RCCH 12(a)(4).

1. Make sure to type or print in black ink only.
2. Print or type your name, mailing address, telephone number, and email address in the top left corner. If you are not represented by an attorney, identify yourself as the Plaintiff under your address information. For example,

Jane Doe
123 Bishop Street
Honolulu, Hawai'i 96813
(808)523-6789
janedoe@gmail.com
Plaintiff

3. Fill in the name of the court and the number of the circuit in which your case is filed in the center of the page. "IN THE CIRCUIT COURT OF THE _____ CIRCUIT"

First Circuit:	O'ahu
Second Circuit:	Maui, Moloka'i, and Lana'i

Third Circuit: Hawai'i
Fifth Circuit: Kaua'i

The name of the court must be centered on the page and not less than 3 inches from the top.

4. Title of the case: The space to the left of the center of the page is the title of the case. You must fill in the names of all the parties in the complaint.
5. Civil No.: The space to the right of the center of the page must have the civil number. Print or type the civil number that was assigned to the case by the clerk when the complaint was filed.
6. The title of the document, "Certificate of Service (Re: Order Setting Scheduling Conference)," must be typed or written under the Civil No.
7. Print or type the name of the party or parties served with the Order Setting Scheduling Conference, how they were served, and the date of service.

If you serve a party by U.S. mail, you must include their mailing address. If a party appeared before the Order was entered and is represented by an attorney or is a JEFS User, then you should indicate the service was via JEFS. For example:

<u>Name of Party</u>	<u>Manner of Service</u>	<u>Date</u>
Defendant John Doe 426 Main Street Wailuku, HI 96793	U.S. Mail	06/01/22
Mary Tanaka, Esq. Attorney for Defendant Joe Smith	JEFS	06/01/22

8. Sign and date the document, and type or print the city in which you signed the document. If you are not represented by an attorney and are not a registered JEFS User, you must **sign with a black ink pen**.

If you are a registered JEFS User, sign the document by affixing your signature as "/s/ _____" (For example, /s/ Jane Doe).

(Name of Attorney & Bar Number, Address, Telephone No., Email)

Attorney for ____ Plaintiff(s)

____ Unrepresented Plaintiff

IN THE CIRCUIT COURT OF THE _____ CIRCUIT

STATE OF HAWAII

	)	CIVIL NO. _____
)	
Plaintiff(s),)	
	)	CERTIFICATE OF SERVICE
vs.)	
	)	(RE: ORDER SETTING SCHEDULING
	)	CONFERENCE)
)	
Defendant(s).)	
_____)	

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct file marked copy of the ORDER SETTING SCHEDULING CONFERENCE was served on all parties who have been served with the complaint either electronically through the Hawai'i Judiciary Electronic Filing System ("JEFS") or conventionally via U.S. Mail at their last known address(es) on the date indicated below:

Name of Party:

Manner of Service:

Date:

DATED: _____, Hawai'i _____.

Plaintiff/Plaintiff's Counsel

Appendix 4:

Joint Report of the Parties (with Instructions)

CIRCUIT COURTS OF THE STATE OF HAWAII

INSTRUCTIONS

JOINT REPORT OF THE PARTIES
FORM 36 (HRCP) AND FORM E-4 (RCCH)
(Effective 01/01/2022)

Please note that this and other forms are available on the Judiciary's website. The forms can be filled out and printed through Adobe Acrobat.

You may use the forms available online or prepare your own document in substantially the same format as the official forms. Please note that the Judiciary Electronic Filing System (JEFS) accepts document files in PDF format only. If you create your own document, you must convert it to a PDF file if you are a JEFS User. If you are not a JEFS User, you must print a hard copy of your document, sign and date the document, and then submit it to the Legal Documents Branch clerk for filing.

Use this form if:

- ☐ You are a party in a civil case in the circuit court;
- ☐ The complaint in your case was filed on or after January 1, 2022;
- ☐ Your case is NOT:
 - a foreclosure case
 - assigned to the Court Annexed Arbitration Program (CAAP)
 - an agency appeal
 - a consumer debt collection action
 - a quiet title action
 - an asbestos (toxic tort) action
- ☐ A Scheduling Conference has been set by the judge.

You must read Rule 26(a) and (f) of the Hawai'i Rules of Civil Procedure (HRCP) and Rule 12(a)(6) of the Rules of the Circuit Courts of the State of Hawai'i (RCCH), and be aware of the timing requirements for required disclosures and the Joint Report of the Parties.

General Instructions:

1. Make sure to type or print in black ink only.
2. Print or type your name, mailing address, telephone number, and email address in the top left corner. Indicate whether you are a plaintiff or a defendant. For example:
Jane Doe
123 Bishop Street
Honolulu, Hawai'i 96813
(808)523-6789
janedoe@gmail.com
Plaintiff

3. Fill in the name of the court and the number of the circuit in which your case is filed in the center of the page: "IN THE CIRCUIT COURT OF THE _____ CIRCUIT"

First Circuit:	O'ahu
Second Circuit:	Maui, Moloka'i, and Lana'i
Third Circuit:	Hawai'i
Fifth Circuit:	Kaua'i

4. Title of the case: The space to the left of the center of the page is the title of the case. You must fill in the names of all the parties identified in the complaint.
5. Civil No.: The space to the right of the center of the page must have the civil number assigned to the case when the complaint was filed. Print or type the civil number in the space provided.
6. Type or print the title of the document, "Joint Report of the Parties," underneath the civil number and also under the title of the case in the center of the page.
7. Put the date and time of the Scheduling Conference and the assigned judge's name.
8. Check the box indicating how the parties met (in person, by telephone, or by video) and put the date of the meeting in the space provided.

A. Disclosures:

1. Check the box and type or print the date when the parties made or will make their initial disclosures required by HRCF 26(a)(1).
2. Describe whether changes should be made to the timing of the parties' initial and/or expert disclosures.

B. Discovery:

1. Describe the areas or subjects in which the parties will need discovery and put the date when discovery should be completed.
2. Describe if discovery should be limited, conducted in phases, or targeted or focused as to particular issues in the case.

C. Electronically stored information (ESI):

1. Describe whether there are any issues pertaining to ESI, including, but not limited to, disclosure or discovery of ESI, how, when and in what form production of ESI will be made, and any other issues related to ESI the parties wish to bring to the judge's attention.

D. Privileged or Protected Material:

1. Describe whether there will be any claims of privilege or confidentiality in any trial preparation materials, the procedures agreed upon by the parties to assert such claims after the material has been produced, and whether the court should include the parties' agreement in an order under Rule 502 of the Hawai'i Rules of Evidence.

E. Changes, if any, to be Made in Limitations on Discovery:

1. Report on whether any parties believe there should be changes on discovery limits set forth in court rules.

F. Other Orders:

1. Report on any parties' position on whether the court should issue any other orders for matters set forth in HRCp 16(b) and (c) and HRCp 26(c).

G. Other Matters:

1. State whether the parties are amenable to any form of Alternative Dispute Resolution (for example, mediation) and also include any other information the parties believe would be helpful for the judge to know before the Scheduling Conference.
2. If a party or attorney has not cooperated in the parties' meeting or preparation of the report, the filing party should say so in this section.

Signatures:

1. Attorneys and self-represented parties who participated in the meeting of the parties must sign the document.

Self-represented parties who are not JEFS Users cannot use an electronic signature and must handwrite their signature in black ink only.

2. By signing the document, the parties certify that they conferred with the other parties in good faith about the nature and basis of their claims and defenses, the possibility for promptly resolving or settling their case, for making or arranging for disclosures required by the court rules, and also whether the case should be assigned to an expedited or non-expedited trial track.

Filing Instructions:

1. Once the parties have signed the Joint Report of the Parties, the party preparing the document should file it:

Self-represented parties: If you are not represented by an attorney and are not a JEFS User, submit your completed document to the Legal Documents Branch of the respective circuit court for conventional filing by the clerk of court.

- Bring extra copies of your document in case you have to serve any parties by U.S. Mail. Make sure to keep a copy for your records.
- Your document will be date and time stamped by the filing clerk, who will electronically file your original document.

JEFS Users: If you are a registered JEFS User, you must electronically file the Joint Report of the Parties.

(Name of Attorney & Bar Number, Address, Telephone No., Email)

Attorney for ____ Plaintiff ____ Defendant

____ Self-represented Party

IN THE CIRCUIT COURT OF THE _____ CIRCUIT

STATE OF HAWAII

	)	CIVIL NO. _____
)	
Plaintiff,)	
	)	JOINT REPORT OF THE PARTIES
vs.)	
)	
	)	Scheduling Conference: _____
	)	Judge: _____
Defendant.)	
_____)	

JOINT REPORT OF THE PARTIES

(HRCP 26(f)(2) and RCCH 12(a)(6)(B)
require the parties to file a joint report within 14 days after the parties' meeting.)

In accordance with Rule 26(f)(2) of the Hawai'i Rules of Civil Procedure (HRCP) and Rule 12(a)(6)(B) of the Rules of the Circuit Courts of the State of Hawai'i (RCCH), the parties signing below met (*check one*) ☐ in person ☐ by telephone ☐ by video on

_____ (*insert date*) and certify they conferred in good faith about the following:

- ✓ the nature and basis of their claims and defenses;
- ✓ the possibilities for promptly settling or resolving the case;
- ✓ making or arranging for disclosures required by HRCP 26(a)(1);
- ✓ whether the case should be assigned to an expedited or non-expedited track for trial under HRCP 16.1;

- ✓ preserving discoverable information; and
- ✓ a proposed discovery plan.

A. Disclosures under HRCP 26(a) (check all that apply):

Initial Disclosures – HRCP 26(a)(1):

- ☐ Initial disclosures were or will be made by Plaintiff(s) on _____ (date).
- ☐ Initial disclosures were or will be made by Defendant(s) on _____ (date).
- ☐ Changes in the timing, form, or requirements for initial disclosures under HRCP 26(a)(1) should be made as follows:

Expert Disclosures – HRCP 26(a)(2):

- ☐ Expert Disclosures will be made:
1. By parties having the burden of proof on a claim or an affirmative defense no later than **120 days** before the trial date to be set by the court;
 2. By parties opposing a claim for relief or an affirmative defense no later than **90 days** before the trial date to be set by the court; and
 3. By parties intending to present evidence solely to rebut evidence on the subject matter identified for the first time by a party opposing a claim for relief or an affirmative defense no later than **60 days** before the date set for trial.

OR

- ☐ Changes in the timing, form, or requirements for expert disclosures under HRCP 26(a)(2) should be made as follows:

B. Discovery:

1. Discovery may be needed on the following subjects:

2. Discovery should be completed by: _____ (date).

3. Discovery should be conducted in phases or be limited to or focused on particular issues as follows:

C. Electronically Stored Information (ESI):

As to any issues about disclosure, discovery, or preservation of ESI, including the form or forms in which it should be produced, the parties report:

D. Claims of Privilege or of Protection as Trial-Preparation Materials: (parties should identify whether they anticipate any claims of privilege or of protection as trial-preparation materials; whether the parties agree on a procedure to assert these claims after production (i.e., claw back), and whether they ask the court to include their agreement in an order under Rule 502 of the Hawai'i Rules of Evidence):

E. Changes, if any, to be Made in Limitations on Discovery: (parties should discuss and report on whether any changes should be made to the limitations on discovery set forth in the HRCP or the RCCH, and any other limitations that should be imposed):

F. Other Orders: (parties should report on whether there are any other orders that the court should issue under HRCP 26(c) or under HRCP 16(b) and (c)).

G. Other Matters: (parties should report on whether they are amenable to ADR; and any other miscellaneous matter they believe is relevant to the scheduling conference with court):

SUBMITTED BY:

Plaintiff / Counsel for Plaintiff(s)

Defendant / Counsel for Defendant(s)

<<additional signature lines to be added if multiple parties>>

Appendix 5:

Scheduling Conference Statement (with Instructions)

CIRCUIT COURTS OF THE STATE OF HAWAII

INSTRUCTIONS:
SCHEDULING CONFERENCE STATEMENT
FORM E-5 (RCCH)
(Effective 01/01/2022)

Please note that this and other forms are available on the Judiciary's website. The forms can be filled out and printed through Adobe Acrobat.

You may use the forms available online or prepare your own document in substantially the same format as the official forms. Please note that the Judiciary Electronic Filing System (JEFS) accepts document files in PDF format only. If you create your own document, you must convert it to a PDF file if you are a JEFS User. If you are not a JEFS User, you must print a hard copy of your document, sign and date the document, and then submit it to the Legal Documents Branch clerk for filing.

Use this form if:

- ☐ You are a party in a civil case in the circuit court;
- ☐ The complaint in your case was filed on or after January 1, 2022;
- ☐ Your case is NOT:
 - a foreclosure case
 - assigned to the Court Annexed Arbitration Program (CAAP)
 - an agency appeal
 - a consumer debt collection action
 - a quiet title action
 - an asbestos (toxic tort) action
- ☐ A Scheduling Conference has been set by the judge.

You must read Rule 12.2(a)(7) of the Rules of the Circuit Courts of the State of Hawai'i (RCCH) and be aware of the timing requirements to file your Scheduling Conference Statement.

General Instructions:

1. Make sure to type or print in black ink only.
2. Print or type your name, mailing address, telephone number, and email address in the top left corner. Indicate whether you are a plaintiff or a defendant. For example:

Jane Doe
123 Bishop Street
Honolulu, Hawai'i 96813
(808)523-6789
janedoe@gmail.com
Plaintiff

3. Fill in the name of the court and the number of the circuit in which your case is filed in the center of the page: "IN THE CIRCUIT COURT OF THE _____ CIRCUIT"

First Circuit:	O'ahu
Second Circuit:	Maui, Moloka'i, and Lana'i
Third Circuit:	Hawai'i
Fifth Circuit:	Kaua'i

4. Title of the case: The space to the left of the center of the page is the title of the case. You must fill in the names of all the parties identified in the complaint.
5. Civil No.: The space to the right of the center of the page must have the civil number assigned to the case when the complaint was filed. Print or type the civil number in the space provided.
6. The title of the document, "Scheduling Conference Statement," should be typed or printed underneath the civil number and also under the title of the case in the center of the page.

You should include your party status in the title. For example:

"Scheduling Conference Statement of Plaintiff Jane Doe"
or
"Defendant John Doe's Scheduling Conference Statement"

7. Type or print the date and time of the Scheduling Conference and the assigned judge.
- A. Brief Description of the Case:
 1. Provide a short summary of your case. If you are not asking for an award of money, please specify the type of relief or order you want the judge to issue.
 - B. Statement of Jurisdiction and Venue:
 1. Describe the facts or information that support your case being filed in circuit court and why you filed your case in the particular judicial circuit (First, Second, Third, or Fifth). You may include concise information about where events took place, indicate if a party lives in the judicial circuit in which the case is filed, or if the case involves real property, state which island the property is located.
 - C. Jury or Non-Jury Trial:
 1. Check the box if your case is a jury trial and specify the date when a jury demand was filed; or
 2. Check the box if your case is a trial before a judge only (non-jury trial).

D. Track Assignment:

1. Check a box to indicate if the case should be assigned to an expedited or non-expedited track for trial.

E. Disclosures:

1. Check the appropriate box on the timing of initial and expert disclosures.

F. Discovery:

1. Specify when you anticipate discovery to be completed
2. Describe any discovery already in progress.
3. Indicate if there are any pending discovery related motions and the date(s) of hearing(s).

G. Special Procedures or Other Matters:

1. Review Rule 16(c) of the Hawai'i Rules of Civil Procedure and report on whether any special procedures should be imposed for those matters or any other matters not already described in the Joint Report of the Parties.

H. Related Cases:

1. List all related cases in state or federal court and provide the case title, case number and status of the case (pending, adjudicated, or otherwise terminated). Include trial dates, pending motions and hearing dates, if applicable.

I. Additional Matters:

1. State any additional matters that you believe would be helpful for the judge to know about your case. Include any disagreements you may have with any party on discovery planning, Alternative Dispute Resolution, including mediation.

J. Certification:

1. Check the box indicating the parties met and discussed the items required by Rule 12(a)(6) of the Rules of the Circuit Courts of the State of Hawai'i. Fill in the date the parties met.
2. If the parties did not meet as required by the rule, then check the second box and explain why there was no meeting of the parties.

Filing Instructions:

1. Print, sign and date, and file the document. Be sure to include the city and state where you signed the document. Self-represented parties who are not JEFS Users cannot use an electronic signature and must handwrite their signature in black ink only.

Self-represented parties: If you are not represented by an attorney and are not a JEFS User, submit your completed document to the Legal Documents Branch of the respective circuit court for conventional filing by the clerk of court.

- Bring extra copies of your document in case you have to serve any parties by U.S. Mail. Make sure to keep a copy for your records.
- Your document will be date and time stamped by the filing clerk, who will electronically file your original document.

JEFS Users: If you are a registered JEFS User, you must electronically file the document.

(Name of Attorney & Bar Number, Address, Telephone No., Email)

Attorney for ____ Plaintiff ____ Defendant

____ Self-represented Party

IN THE CIRCUIT COURT OF THE _____ CIRCUIT

STATE OF HAWAII

	)	Civil No. _____
)	
Plaintiff,	)	SCHEDULING CONFERENCE STATEMENT
	)	OF
vs.)	
)	
)	
Defendant.	)	<u>SCHEDULING CONFERENCE:</u>
	)	DATE: _____
	)	TIME: _____
)	
	)	JUDGE: _____
)	

SCHEDULING CONFERENCE STATEMENT OF _____

**Must be filed and served no later than 7 days before the Scheduling Conference
unless otherwise ordered by the court. RCCH 12(a)(7).**

Pursuant to Rule 12(a)(7) of the Rules of Circuit Courts of the State of Hawai'i
(RCCH), _____ submits the following Scheduling Conference Statement.

A. BRIEF DESCRIPTION OF THE CASE (also specify if asserting legal and equitable claims):

☐ If a party is seeking a remedy other than monetary damages, please specify the relief sought:

B. STATEMENT OF JURISDICTION AND VENUE (WITH CITED AUTHORITY) AND A SHORT DESCRIPTION OF THE FACTS CONFERRING VENUE:

C. JURY OR NON-JURY TRIAL (check one):

☐ JURY TRIAL. A demand for a jury trial was filed on _____.

☐ NON-JURY TRIAL.

D. ASSIGNMENT OF CASE TO AN EXPEDITED OR NON-EXPEDITED TRACK UNDER RULE 16.1 OF THE HAWAII RULES OF CIVIL PROCEDURE (HRCP) (check one):

☐ Expedited Track: Based on considerations of fairness, cost-effectiveness, and expedition, this case should be assigned to an expedited trial track to secure the just, speedy, and efficient resolution of the case.

☐ Non-Expedited Track: Considering factors such as the number of claims and parties involved, the monetary value of the case, the extent and nature of the claims, the volume and extent of discovery, and the number of witnesses, experts and documents, this case should be assigned to a non-expedited trial track.

E. APPROPRIATENESS, EXTENT, AND TIMING OF DISCLOSURES (check one):

☐ The undersigned has or will provide all disclosures pursuant to HRCP 26 within the time limits prescribed within the rule or will provide disclosures as set forth in the Joint Report of the Parties.

☐ DISCLOSURES pursuant to HRCP 26 not covered by the Joint Report of the Parties: _____

F. DISCOVERY COMPLETED: _____
DISCOVERY IN PROGRESS: _____
MOTIONS PENDING AND HEARING DATE(S): _____

G. STATEMENT ADDRESSING APPROPRIATENESS OF ANY SPECIAL PROCEDURES OR OTHER MATTERS SPECIFIED IN HRCP 16(c) THAT ARE NOT COVERED BY THE JOINT REPORT OF THE PARTIES FILED PURSUANT TO HRCP RULE 26(f):

H. RELATED CASES (IN STATE OR FEDERAL COURT) WITH CASE STATUS (e.g., pending, adjudicated or otherwise terminated): _____

I. ANY ADDITIONAL MATTERS: _____

J. THE UNDERSIGNED CERTIFIES (CHECK ONE):

☐ THE PARTIES CONFERRED ON _____ (AT THE LEAST 21 DAYS BEFORE THE SCHEDULING CONFERENCE) ON THE FOLLOWING MATTERS:

- ✓ the nature and basis of their claims and defenses;
- ✓ the possibilities for promptly settling or resolving the case;
- ✓ making or arranging for disclosures required by HRCP 26(a)(1);

- ✓ whether the case should be assigned to an expedited or non-expedited track for trial under HRCP 16.1;
- ✓ preserving discoverable information; and
- ✓ a proposed discovery plan.

☐

THE PARTIES DID NOT CONFER AS REQUIRED BY RULE 12(a)(6) OF THE RULES OF THE CIRCUIT COURTS OF THE STATE OF HAWAII BECAUSE:

DATED: _____, Hawai'i _____.

Name of Party / Party's Attorney