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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)	SP. No. 1CSP-20-0000082
)	(Special Proceeding)
)	
FORECLOSURE CALENDAR IN THE)	FORECLOSURE OPERATIONAL
CIRCUIT COURT OF THE FIRST)	ORDER #1 REGARDING THE
CIRCUIT'S RESPONSE TO COVID-19)	FORECLOSURE CALENDAR OF THE
OUTBREAK)	FIRST CIRCUIT; [FORM] NOTICE OF
)	REMOTE HEARING
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**FORECLOSURE OPERATIONAL ORDER #1 REGARDING THE
FORECLOSURE CALENDAR OF THE FIRST CIRCUIT**

This matter comes before the Court in light of the ongoing COVID-19 pandemic.

Despite the relaxation of COVID-related restrictions through the State of Hawai'i, the First Circuit Court of the State of Hawai'i will continue to maintain certain mandates regarding our Court operations. The current volume of positive COVID-19 cases, the limited spacing in the First Circuit Court facilities, the high transmissibility of the Omicron variant, and the likelihood of new variants were considered in this latest Order.

The following mandates will remain in place to protect the health and safety of First Circuit Court employees and all court participants. This Order is made pursuant to the Order of Chief Justice Mark E. Recktenwald in SCMF No. 20-0000152, In re the Judiciary's Response to the COVID-19 Outbreak, and consistent with my authority as the Chief Judge of the First Circuit Court.

In general, this Order rescinds the previous Emergency Order issued for the Foreclosure Calendar and outlines safety instructions for each type of proceeding, such as the wearing of masks and social distancing instructions for each type of proceeding, whether in-person or remote. In addition, this Order will state which proceedings will continue with telephonic hearings. IT IS HEREBY ORDERED:

Auctions. Face masks or coverings are recommended, but no longer required, for foreclosure auctions conducted outdoors as long as participants maintain a 6 foot physical distance separation from other individuals. If, in the commissioner's discretion, it would be imprudent or unsafe to conduct a public auction, the commissioner may require participants to wear face coverings or may postpone the auction in accordance with the requirements of HRS § 667-20.1.

1. **Open houses.** All open house participants must, as much as possible, maintain a 6 foot physical distance separation from other persons. No more than 10 people may enter a dwelling at a time. Face masks are required indoors. Participants who cannot wear a mask or cannot safely wear a mask because of a disability, medical condition, or mental health condition are exempt from the face mask requirement.

2. **Participation in Public Auctions and Open Houses.** No person shall participate in an auction or open house if they: (1) have tested positive for COVID-19 in the previous 5 days; (2) have a fever, 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); (3) have been exposed to COVID-19 within the past 10 days and are not vaccinated; or (4) are subject to an isolation or quarantine request or order by any public health official or medical physician.

3. **Motions to confirm foreclosure sales.** Hearings on motions to confirm foreclosure sales must be conducted in-person because of the potential for the auction to be re-opened by non-party bidders. All participants and members of the public must adhere to the orders and requirements set forth in General Order #1 Regarding All Trial Courts of the First Circuit of the State of Hawai'i, as may be further modified or amended.

4. **Foreclosure cases assigned to Judge Castagnetti.** Due to the high volume of foreclosure cases assigned to Judge Castagnetti, and for judicial efficiency and economy reasons, hearings on motions shall be scheduled and conducted as follows:

a. ***Remote hearings (effective April 1, 2022):***

- i. Motions scheduled for Tuesdays shall be remotely heard by Zoom at 9:30 a.m.;
- ii. Motions scheduled for Wednesdays shall be remotely heard by Zoom at 9:00 a.m.;
- iii. All hearing motions conducted via Zoom shall include a Notice of Remote Hearing in a form that substantially complies with the form attached to this Order. Judge Castagnetti's Zoom Meeting ID is **808 539 4025**

b. ***In-person hearings:***

- i. Hearings on motions to confirm foreclosure sales scheduled for Thursdays shall continue to be conducted in-person and scheduled on a staggered basis;

- ii. Return Hearings on: (1) publication of summonses; (2) garnishee summonses; and (2) examinations of judgment debtor(s) or persons having knowledge of judgment debtor(s), shall be conducted in-person as scheduled; and
 - iii. All court participants and members of the public must adhere to the orders and requirements set forth in General Order #1 Regarding All Trial Courts of the First Circuit, State of Hawai‘i, as may be further modified or amended.
- c. ***Courtesy copies:***
- i. *Hearing and non-hearing motions:* Courtesy copies of any filed motion, response to a motion, or other document pertaining to a motion must be delivered promptly to Judge Castagnetti upon filing as required by RCCH 7.2(g)(6). Exhibits must be appropriately tabbed as required by RCCH 7.1.
 - ii. *Ex parte motions:* Courtesy copies are not required.

This Order does not restrict or otherwise abrogate Judge Castagnetti’s authority or discretion to conduct proceedings remotely or in person as she determines to be appropriate under the circumstances.

5. This Order replaces Amended Emergency Order #9 Regarding Foreclosure Cases Filed in the Circuit Court of the First Circuit, which is hereby rescinded.

6. This Order may be modified as circumstances warrant. Absent further action, the effective date of this Order shall be Monday, March 28, 2022 and the Order shall remain in effect until further order of the Court.

It is so Ordered.

DATED: Honolulu, Hawai'i, March 21, 2022.

/s/ R. Mark Browning



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

SP. No. 1CSP-20-0000082; In the Matter of the Foreclosure Calendar in the Circuit Court of the First Circuit's Response to the COVID-19 Outbreak; Foreclosure Operational Order #1 Regarding the Foreclosure Calendar of the First Circuit