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SCRU-10-0000012

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the
HAWAI‘I RULES OF APPELLATE PROCEDURE

ORDER AMENDING RULE 40.1 OF
THE HAWAI‘I RULES OF APPELLATE PROCEDURE

(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

IT IS HEREBY ORDERED that Rule 40.1 of the Hawai‘i Rules of Appellate Procedure is amended, effective upon the filing of this order, as follows:

**Rule 40.1. APPLICATION FOR WRIT OF CERTIORARI
IN THE SUPREME COURT.**

(e) Response; form; extension of time; reply.

(1) TIME TO FILE; FORM. Within 15 days after the filing of an application for a writ of certiorari, any other party to the case may, but need not, file and serve a brief written response, not to exceed 12 pages[~~containing a statement of reasons why the application should not be accepted~~].

(2) REQUEST EXTENDING TIME; TIME TO FILE. A party may extend the time to file a response to an application for a writ of certiorari by filing a written request for an extension. The request for extension shall be filed no later than 15 days after the filing date of the application for a writ of certiorari.

(g) Determination. The supreme court shall act upon an application for a writ of certiorari no later than 30 days after a response is or could have been filed. The failure of the supreme court to accept the application within the 30 days shall constitute a rejection of the application. In cases [~~where multiple~~

~~responses are filed]~~ with multiple respondents, the 30-day time period to accept the application for writ of certiorari shall be calculated from the date [of] the latest timely-filed response is or could have been filed.

DATED: Honolulu, Hawai'i, January 12, 2023.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

