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THIRD CIRCUIT
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S.P. NO. 3CSP-20-000022

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

IN THE MATTER OF THE

CIRCUIT COURT OF THE THIRD
CIRCUIT'S RESPONSE TO THE COVID-
19 OUTBREAK

(SPECIAL PROCEEDING)

FIRST AMENDED EMERGENCY ORDER #6
REGARDING FORECLOSURE CASES FILED
IN THE CIRCUIT COURT OF THE THIRD
CIRCUIT

FIRST AMENDED EMERGENCY ORDER #6 REGARDING FORECLOSURE
CASES FILED IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

This matter comes before the Court in light of the global public health emergency in the State of Hawai'i. This order relates to court ordered public judicial sales of real property pursuant to § 667-20 for foreclosure cases filed in the Third Circuit Court of the State of Hawai'i.

To further protect the health and safety of Third Circuit Court employees and all court participants, and pursuant to the Orders of Chief Justice Mark E. Recktenwald filed as of April 12, 2021 under SCMF No. 20-0000152 regarding the coronavirus (COVID-19) and with authority as Chief Judge of the above-entitled Court,

IT IS HEREBY ORDERED:

1. Public sales of property ordered to be sold pursuant to Chapter 667 of the Hawai'i Revised Statutes (HRS) may resume effective June 7, 2021.

2. Foreclosure auctions shall be conducted following social distancing and face covering guidelines as recommended by the Centers for Disease Control and Prevention

(“CDC”). Auction participants and observers must maintain a six-foot physical distance separation and must wear a mask over their nose and mouth (unless a participant or observer has a disability and cannot wear a mask or cannot safely wear a mask, for reasons related to the disability). Notice of the requirements above shall be posted prominently outside the property at the time of auction. If, in the commissioner’s discretion, it would be imprudent or unsafe to conduct a public auction, the commissioner may postpone the auction in accordance with the requirements of HRS § 667-20.1.

3. Open houses may resume effective June 5, 2021 with no more than ten (10) people in a dwelling at a time. All open house participants must follow CDC social distancing and mask requirements as described in paragraph 2 above. If a commissioner determines, in his or her discretion, that it would be imprudent or unsafe to conduct an open house in-person, then the party who obtained a decree of foreclosure may file a motion for instructions or for permission to sell the subject property without open houses.

4. No person shall participate in an auction or open house if they: (1) have a fever, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness or of COVID-19; (2) have had close prolonged contact with a person who has or is suspected to have COVID-19; or (3) have traveled outside of Hawai‘i in the ten (10) days prior to the auction or open house and have not satisfied the negative test exception to the mandatory self-quarantine period, subject to any subsequent out-of-state travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

5. This Order may be modified as circumstances warrant, but absent further action this Order shall remain in effect. This Order also does not otherwise affect parties’ obligations to comply with the Hawai‘i Supreme Court’s Order Regarding Foreclosure or Non- Judicial Foreclosure Related Actions: Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Foreclosures, as extended, filed under SCMF-20-0000152.

6. All in-person hearings in foreclosure cases are further suspended as of the date of this Order until further order of the Court.

7. All motions for summary and/or default judgment, and confirmations of sale shall be held via Zoom video conferencing. All notices of hearing for motions shall include in the title “Notice of Zoom Remote Hearing” and include the following language in the notice of hearing:

The foregoing motion will be heard via Zoom remote conferencing on _____, 20__ at _____ m., in the Circuit Court of the Third Circuit, by the above-entitled Court. You are directed to appear remotely via Zoom video conferencing 15 minutes prior to the scheduled time. Your Zoom conference ID is: _____, no password is required. Non-attorney participants unable to participate by video may call **1 669 900 9128** to participate by telephone by using the above noted Zoom video conference ID.

8. All attorneys shall enter a user name that sets forth their full names and includes the suffix “Esq.”, to be allowed into any Zoom video conference. All parties shall enter a user name that sets forth their full name. Failure to comply may result in sanctions. All attorneys and parties shall dress appropriately for all remote court proceedings.

9. All other motions shall be submitted to the court as a non-hearing motions pursuant to Rule 8 of the Rules of the Circuit Courts, State of Hawai’i (“RCCH”). The Court shall issue its decision via minute order without oral argument. Any party seeking a Zoom video conference hearing or in-person hearing for these motions must submit to the respective court a written application for oral/video conference hearing. Accommodations for telephone participation may be authorized by the trial court upon a showing of good cause and need. Ex Parte Motions for extensions of time are authorized.

10. Third Circuit Zoom video conference ID’s are designated as follows:

Division 1, Hon. Peter Kubota:	529 098 7227
Division 2, Hon. Henry Nakamoto:	413 600 8155
Division 3, Hon. Robert Kim:	611 203 9134
Division 4, Hon. Wendy DeWeese:	610 665 7731

11. Courtesy copies of any and all filed motions, or other documents responding, supplementing and or pertaining to a motion under RCCH 7.2(g)(6) shall be delivered to the assigned judge’s chambers in a timely fashion. This requirement shall be strictly enforced, and failure to comply with this provision of the rule may result in sanctions. Copies of

all proposed orders and judgments electronically filed are to be delivered to the appropriate court chambers.

12. This Order may be modified or extended as circumstances warrant, but absent further action this Order shall remain in full force and effect. The provisions of this Order do not limit a trial court's discretion to entertain in-person hearings.

Dated: Kailua-Kona, Hawaii, June 4, 2021.

/s/ Robert D.S. Kim
Hon. Robert D. S. Kim, Chief Judge
Circuit Court of the Third Circuit, State of Hawai'i