FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 01 2013

at 8 o'clock and 0 min. A M.
SUE BEITIA, CLERK

ORIGINAL

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

IN THE MATTER OF The Local Rules of Practice for the United States District Court for the District of Hawaii	)	ORDER REGARDING AMENDMENT OF LOCAL RULE 100 OF THE LOCAL RULES OF PRACTICE FOR THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII; EXHIBIT A

ORDER REGARDING AMENDMENT OF LOCAL RULE 100
OF THE LOCAL RULES OF PRACTICE FOR THE UNITED
STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

Having published a proposed amendment for public comment and having received no comments, this court hereby orders that Local Rule 100 of the Local Rules of Practice for the United States District Court for the District of Hawaii is amended, effective August 1, 2013, as set forth below.

In relevant part, Local Rule 100 is amended as set forth in Exhibit A, which includes replacement pages for this amended rule and the renumbered pages of "Rules Pertaining to Cases Under Title 11, United States Code."

IT IS SO ORDERED.

DATED: Honolulu, Hawaii; July 23, 2013.

/s/ Susan Oki Mollway
SUSAN OKI MOLLWAY
CHIEF UNITED STATES DISTRICT JUDGE

/s/ J. Michael Seabright
J. MICHAEL SEABRIGHT
UNITED STATES DISTRICT JUDGE

/s/ Leslie E. Kobayashi
LESLIE E. KOBAYASHI
UNITED STATES DISTRICT JUDGE

/s/ Derrick K. Watson
DERRICK K. WATSON
UNITED STATES DISTRICT JUDGE

IN THE MATTER OF The Local Rules of Practice for the United States District Court for the District of Hawaii
ORDER REGARDING AMENDMENT OF LOCAL RULE 100 OF THE LOCAL RULES OF PRACTICE FOR THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII; EXHIBIT A

LR100.1.1. Electronic Filing.

Except as prescribed by local rule or order of the assigned district or magistrate judge, the court has designated all cases to be included in the Case Management/Electronic Case Filing (CM/ECF) system, effective January 1, 2006.

LR100.2.1. Mandatory Electronic Filing and Effective Date.

Except as prescribed below or unless authorized in advance by the assigned district or magistrate judge, all documents filed in civil or criminal actions on or after January 1, 2014, shall be filed electronically using the court's CM/ECF system. Fees associated with a document filed electronically will be paid through pay.gov.

LR100.2.2. Exceptions to Mandatory Electronic Filing.

Unless otherwise ordered in advance by the assigned district or magistrate judge, the following documents must be filed in the traditional paper format rather than by electronic filing:

1. Pro Se Party Filings.

Any person appearing pro se may not utilize electronic filing without leave of the court, which decision rests in the discretion of the assigned district or magistrate judge.

2. Criminal Actions.

(a) Criminal complaints and accompanying documents;
(b) Indictments/Informations;
(c) Grand jury proceedings;
(d) Arrest warrants issued by a district or magistrate judge;
(e) Search warrants and accompanying documents;
(f) Seizure warrants and accompanying documents;
(g) Pen register authorizations and like documents;
(h) Wiretap proceedings and;
(i) Correspondence to the court.

EXHIBIT A

3. Civil Actions.

(a) Records of administrative review cases when not available electronically;

(b) Consents to proceed before a magistrate judge and;
(c) Correspondence to the court.

4. Exhibits Not Available in Electronic Format.

Exhibits that are not available in electronic format (*e.g.*, videotapes, maps, etc). The clerk's office will note on the docket receipt of the exhibits.

5. Central Violations Bureau (CVB) Actions.

Documents associated with CVB actions (until available electronically.)

6. Other Exceptions.

For good cause shown, the assigned district or magistrate judge may, at any time, allow a document to be filed in paper format.

LR100.2.3. Electronic Record of Documents in Paper Form.

Unless the court orders otherwise, the clerk shall make an electronic record of all documents filed with the court in paper form. Except as provided elsewhere in these rules, such documents will be treated as if they had been filed electronically. The date and time of filing shall be the date and time stamped on the paper document, rather than the date and time indicated on the Notice of Electronic Filing.

LR100.2.4. Courtesy Copies.

As described in LR7.7 and LR10.2, two courtesy copies of electronically filed documents must be submitted to the clerk's office with an indication as to which judge should receive the copies.

LR100.2.5. Exhibits.

Each exhibit referenced in a document shall be submitted as a separate CM/ECF attachment to the main document, regardless of the size of the file containing the exhibit. Paper exhibits must be scanned and saved in a PDF format that is less than 5 megabytes in size. Large documents must be broken into "chunks" so that each PDF file is under the 5 megabyte limit. The filer must clearly label each exhibit so that anyone examining the electronic case file will know what the "Exhibit" is:

Motion	(main document)
Exhibit A	(Affidavit of John Doe)
Exhibit B	(Letter dated January 1, 20XX)

LR100.3.1. Transmission to CM/ECF System.

Electronic transmission of a document to the CM/ECF system consistent with the administrative and technical procedures established by this court, together with the transmission of a Notice of Electronic Filing from the court, constitutes the filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Local Rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 49 and 55.

LR100.3.2. Official Record.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. The clerk shall not be required to retain any paper document after making an electronic recording thereof in a manner consistent with the technical standards, if any, established by the Judicial Conference of the United States and the requirements, if any, prescribed by the Administrative Office of the United States Courts. If a paper document filed with the court has not been electronically recorded by the clerk, the original paper document as maintained by the court is the official record.

LR100.3.3. Time of Filing.

Except in the case of a document originally filed in paper form with a date and time stamp and subsequently uploaded in the CM/ECF system, a document filed electronically is deemed filed at the date and time (Hawaii Standard Time) stated on the Notice of

Electronic Filing. The time stamp on the Notice of Electronic Filing is based on the time of the electronic receipt of the document by the court, not the time of transmission by the CM/ECF user.

LR100.4.1. Eligibility.

An attorney who is a member of the bar of this court or who is otherwise permitted to practice before this court under LR83.1 may request a login and password as an CM/ECF user. A CM/ECF user must have and maintain a functioning e-mail address suitable for accepting the Notices of Electronic Filing transmitted from the court. A CM/ECF user must also have and utilize anti-virus software to verify that files transmitted to the court are not infected with any virus or worm.

LR100.4.2. Registration.

An individual eligible to be an CM/ECF user must complete a registration form to be issued a login and password for participation in the CM/ECF system. The registration form requires the individual's agreement to certain provisions, including the individual's acknowledgment that the use of the CM/ECF login and password is equivalent to the individual's signature, the individual's consent in writing to accept service of documents by electronic means, and an agreement that failure to abide by the CM/ECF procedures may result in sanctions.

LR100.4.3. Login and Password.

The clerk will issue a login and password for access to the CM/ECF system to an eligible individual after completion of registration and a training course offered by a United States District Court. Any login and password issued to a CM/ECF user shall be used exclusively by that individual or an employee of the individual to whom authorization has been given by the CM/ECF user. No CM/ECF user shall knowingly permit a login and password to be used by anyone not so authorized and no person shall knowingly use a CM/ECF user's login and password unless so authorized. CM/ECF users shall safeguard the security of their passwords and must immediately notify the clerk upon discovery or suspicion that security has been compromised.

LR100.4.4. Use of Login and Password.

The use of a login and password assigned to a CM/ECF user in the electronic filing of a document shall constitute the CM/ECF user's signature on the document, for purposes of Fed. R. Civ.

P. 11, 28 U.S.C. § 1746, the Local Rules of this court, and any other purpose for which a signature is required in connection with matters before the court.

LR100.4.5. Pro Hac Vice.

An attorney admitted pro hac vice must register for a login and password within 10 days of the filing of a motion to appear. If an attorney appears pro hac vice in more than one case, a separate pro hac vice motion, with accompanying fee, shall be filed in each case.

LR100.4.6 Suspension or Deactivation of CM/ECF Access.

Upon appropriate notice and for cause shown, the court at any time may suspend or deactivate a CM/ECF user's access to electronic filing. The court may require that additional training be taken in order to reactivate CM/ECF participation.

LR100.5.1. CM/ECF User's Signature.

The name of the CM/ECF user under whose login and password the document is being electronically filed must be preceded by "/s/" and typed in the space where the signature otherwise would appear (*e.g.*, /s/ John or Jane Lawyer).

LR100.5.2. Third Party Signatures.

An electronically filed document requiring the original, wet signature of an individual other than the CM/ECF user, such as an affidavit or declaration, must contain the original or a scanned image of that individual's signature.

LR100.5.3. Retention of Documents with Third Party Signatures.

Documents that are electronically filed and include signatures other than the CM/ECF user's signature must be maintained in paper form by the CM/ECF user until thirty-five (35) days (five weeks) after expiration of any appeal period. Upon request by the court, a CM/ECF user must provide for review any such document. A non-filing signatory or party who disputes the authenticity, or the alleged endorsement, of an electronically filed document must file an objection to that document.

LR100.6.1. Service of Documents by Electronic Means.

The issuance of the Notice of Electronic Filing generated by the CM/ECF system constitutes service of the document(s) being filed to CM/ECF users.

LR100.6.2. Conventional Service of Electronically Filed Documents.

Parties who are not CM/ECF users must be served by conventional means. If a filed copy of a document is required to be served, the paper copy of the subject document(s) shall be accompanied by a copy of the Notice of Electronic Filing showing the date and time of filing.

LR100.6.3. Certificate of Service.

A certificate of service on all parties entitled to service is required when a document is filed (electronically or conventionally). The certificate must state the manner in which service was accomplished on each party and shall appear as the last page of the document. The certificate of service should be in the form shown below:

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served Electronically through CM/ECF:

Jane Dow	jane_dow@hotmail.com	January 1, 20XX
John Dow	john_dow@law.net	January 1, 20XX

Served by First-Class Mail:

Robert Jones — January 2, 20XX
321 S. King St
Honolulu, HI 96813

Served by hand-delivery:

Carol Smith — January 3, 20XX
123 Bishop St
Honolulu, HI 96813

LR100.7.1. Orders and Judgments.

All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these procedures and will constitute entry on the docket kept by the clerk under Fed. R. Civ. P. 58 and 79, and Fed. R. Crim. P. 49 and 55.

LR100.7.2. Docket Orders.

Orders may be issued as text-only entries on the docket without an attached document. Such orders are official and binding. For purposes of Fed. R. Civ. P. 58, a text order is deemed set forth as a separate document in the Notice of Electronic Filing created by the docketing of the order.

LR100.7.3. Notice of Entry of Orders.

Electronic transmission of the Notice of Electronic Filing of an order or judgment docketed by the clerk constitutes the notice required under Fed. R. Civ. P. 77(d) and Fed. R. Crim. P. 49(c) to registered CM/ECF users. The clerk shall give notice using non-electronic means to those parties who have not consented to receive electronic notice.

LR100.7.4. Summons.

The clerk may sign, seal, and issue a summons electronically, although a summons may not be served electronically.

LR100.8.1. Proposed Orders.

Proposed orders are to be submitted separately from the underlying application, request, or motion and shall be submitted by e-mail in a format compatible with Word or Word Perfect, unless directed by the court to be submitted differently.

LR100.8.2. E-mailing of Proposed Orders and Stipulations.

All proposed orders and stipulations must list in the e-mail subject line the following items:

(a) The case number;

(b) The docket number of the motion filed electronically that is the subject of the proposed order; and

(c) The title of the related filing (*e.g.*, CV05-236-Doc5-Motion To Compel).

LR100.8.3. E-mail addresses for order and stipulation submission to Chambers:

Judge Kevin S. C. Chang	chang_orders@hid.uscourts.gov
Judge Helen Gillmor	gillmor_orders@hid.uscourts.gov
Judge Alan C. Kay	kay_orders@hid.uscourts.gov
Judge Leslie E. Kobayashi	kobayashi_orders@hid.uscourts.gov
Judge Barry M. Kurren	kurren_orders@hid.uscourts.gov
Judge Susan Oki Mollway	mollway_orders@hid.uscourts.gov
Judge Richard L. Puglisi	puglisi_orders@hid.uscourts.gov
Judge J. Michael Seabright	seabright_orders@hid.uscourts.gov
Judge Derrick K. Watson	watson_orders@hid.uscourts.gov
Visiting Judges	visit_orders@hid.uscourts.gov

These e-mail addresses shall only be used for submitting proposed orders and stipulations to the court. They shall not be used for submitting correspondence to the court.

LR100.9.1. Technical Failures.

Any CM/ECF user whose filing is untimely or who is otherwise prejudiced because of a technical failure of either the court's CM/ECF system or the registered user's system should document the incident and may seek appropriate relief from the court. The assigned district or magistrate judge in a case shall determine whether a technical failure has occurred and whether relief should be afforded under the particular circumstances.

LR100.10.1. Personal Identifiers.

To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, and to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact when inclusion is necessary, the following personal data identifiers from all documents filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court:

(a) Social Security numbers. If an individual's social security number must be included in a document, only the last three digits of that number should be used.

(b) Names of minor children. If a minor child must be mentioned, only the initials of that child should be used.

(c) **Dates of birth.** If an individual's date of birth must be included in a document, only the year should be used.

(d) **Financial account numbers.** If financial account numbers are relevant, identify the name or type of account and the financial institution where maintained, and only indicate the last three digits of the account number.

(e) **Home Address.** If a home address must be included, only the city and state should be listed.

LR100.10.2. Redaction/Reference List.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

(a) File an unredacted document under seal, or

(b) File a reference list under seal.

The reference list shall contain the complete personal identifiers and the redacted identifiers used in their place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifiers.

A redacted version of the document or the reference list shall be filed and become part of the public file. The unredacted versions shall be retained by the court as part of the record in sealed form.

LR100.10.3. Responsibility of Counsel.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review each document for compliance with this provision.

LR100.11.1. Hyperlinks.

Electronically filed documents may contain hyperlinks to (a) other portions of the same document, and (b) a location on the Internet that contains a source document for reference. Hyperlinks do not replace standard citation format, but inclusion of hyperlinks is encouraged. Complete citations must be included in the text of the filed document. Hyperlinks are convenient mechanisms for accessing material, but neither a hyperlink nor any site to which it refers shall be considered part of the

record. The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or the functionality of any hyperlink.