

**UNITED STATES DISTRICT COURT**  
DISTRICT OF HAWAII 300 ALA MOANA BLVD.  
HONOLULU, HAWAII 96850

**KENNETH J. MANSFIELD**  
CHIEF UNITED STATES MAGISTRATE JUDGE

TELEPHONE: (808) 541-1428  
**COURTROOM 6** (2<sup>nd</sup> floor)

**ROM TRADER**  
UNITED STATES MAGISTRATE JUDGE

TELEPHONE: (808) 541-1480  
**COURTROOM 5** (2<sup>nd</sup> floor)

**WES REBER PORTER**  
UNITED STATES MAGISTRATE JUDGE

TELEPHONE: (808) 541-1433  
**COURTROOM 7** (2<sup>nd</sup> floor)

**EMERGENCY DISCOVERY TELEPHONE CONFERENCES**  
**WITH MAGISTRATE JUDGES**

“Counsel may seek resolution of disputed discovery issues expeditiously and economically” under Local Rule 37.1(c) of the Local Rules of Practice of the United States District Court for the District of Hawaii (Local Rules). After they meet and confer, counsel file and serve on opposing counsel abbreviated, simultaneous letter briefs on an agreeable date for “expedited discovery assistance.” LR37.1(a)(1). Upon receipt of the letters, the magistrate judge “shall determine a procedure for resolving the dispute” and may decide the matter, set a conference, request formal briefing with or without a hearing. LR37.1(a)(3).

The magistrate judges also may address “emergency discovery disputes” by telephone conference if the following circumstances are met:

1. The dispute must concern a narrow and discrete issue (e.g., improper objections or coaching during a deposition);
2. Counsel agree<sup>1</sup> that if the dispute is not heard on an “emergency” basis the parties will incur avoidable expenses, delay proceedings in the case, or suffer other unfair prejudice as a result;
3. Counsel must be available (and flexible) to participate in a conference when the judge is available; *and*
4. Counsel must call chambers and make scheduling arrangements with the assigned judge’s staff, including how the telephone conference will be memorialized (i.e., by the court reporter at a deposition or by the court’s FTR system).

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<sup>1</sup> The party seeking “emergency” relief may call the assigned judge *without the opposing party’s agreement* if the expense, delay and unfair prejudice is readily apparent to the court.