

**Electronically Filed
Supreme Court
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SCPW-24-0000464

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PUBLIC FIRST LAW CENTER, Petitioner,

vs.

THE HONORABLE MATTHEW J. VIOLA,
Senior Judge of the Family Court of the First Circuit,
State of Hawai'i, Respondent Judge,

and

THE DEPARTMENT OF HUMAN SERVICES, STATE OF HAWAI'I;
NICOLE CUMMINGS, in her capacity as guardian ad litem for
interested minor children and personal representative of the
estate of Isabella P. Kalua formerly known as Ariel Sellers;
LEHUA KALUA; ISAAC KALUA, III; STEPHEN LANE in his capacity as
court appointed special master; DEAN NAGAMINE, ESQ., in his
capacity as guardian ad litem for interested minor children;
ARLENE A. HARADA-BROWN in her capacity as guardian ad litem for
interested minor children; MELANIE JOSEPH also known as MELANIE
SELLERS; ADAM SELLERS; and,
COURT APPOINTED SPECIAL ADVOCATES PROGRAM,
Respondents.

ORIGINAL PROCEEDING
(CASE NOS. 1FFM-24-0000018, 1FFM-24-0000019,
FC-S 18-00280, FC-A 21-1-6010)

ORDER

(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, and Devens, JJ.)

On July 8, 2024, Petitioner Public First Law Center filed a
petition for writ of prohibition and writ of mandamus with this

court that requests, with reference to Case No. 1FFM-24-0000018 and Case No. 1FFM-24-0000019, this court issue a writ of prohibition prohibiting the Respondent Judge from enforcing any order to maintain the entirety of Case No. FC-S 18-00280 (child protective act case) and Case No. FC-A No. 21-1-6010 (adoption case) under seal, and a writ of mandamus ordering the Respondent Judge to disclose redacted records for those cases, with appropriate redactions to protect the privacy of the siblings for the decedent child, Isabella P. Kalua formerly known as Ariel Sellers (petition).

The petition further requested the court take judicial notice of the records in Case No. FC-S 18-00280 and Case No. FC-A No. 21-1-6010.

It is ordered:

1. Petitioner shall file a supplemental brief on the issue stated in footnote 7 of the Petition. Petitioner shall file this supplemental brief by July 25, 2024. The supplemental brief shall not exceed 10 pages, exclusive of indexes and appendices (e.g., declarations or exhibits).

2. On or before September 3, 2024, Respondents shall file an answer to the petition and supplemental brief. Respondents' briefs shall not exceed 35 pages, exclusive of indexes and appendices. Respondent Judge may file an answer to the petition within the same time, or pursuant to Hawai'i Rules of Appellate

Procedure (HRAP) Rule 21(c), the Respondent Judge may elect not to appear.

3. Petitioner may file a reply brief that jointly addresses the Respondents' answers by September 17, 2024. This reply shall not exceed 15 pages, exclusive of indexes and appendices. Any party may file a motion to adjust the briefing schedule based on good cause.

4. The briefs may reference documents on file in 1FFM-24-0000018, 1FFM-24-0000019, FC-S 18-00280, or FC-A 21-1-6010 (subject cases) by citing the case number and docket number, and are not required to submit copies of the documents on file in the subject cases with this court.

5. The appellate clerk shall serve a copy of this order on the Petitioner, Respondent Judge, the Attorney General, and Respondents. A copy of this order shall be filed in 1FFM-24-0000018, 1FFM-24-0000019, FC-S 18-00280, and FC-A 21-1-6010.

6. Within twenty days from the date of this order, the clerk of the Family Court of the First Circuit shall transmit to the Clerk of the Supreme Court the record in the subject cases which records shall be designated in camera. For those documents in the record which are available in the Judiciary Information Management System (JIMS), the clerk of the Family Court of the First Circuit need not transmit the physical or imaged documents, but shall file in camera a notification with

the Clerk of the Supreme Court that the record, or a portion of the record, in the subject case is available on JIMS. If a complete record is not available on JIMS, the Clerk of the Family Court of the First Circuit shall assemble and transmit the documents that are not available on JIMS to the Clerk of the Supreme Court within twenty days from the date of this order in a manner that is consistent with the procedures set forth in HRAP 11(b); provided, any and all records transmitted shall be held and designated for in camera review by the court.

DATED: Honolulu, Hawai'i, July 16, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

