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Attorneys for Defendant
DEREK S.K. KAWAKAMI, in his official capacity as Mayor of Kaua‘i and personal capacities

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

FOR OUR RIGHTS, a Hawaii nonprofit corporation, THOR ALVAREZ, GREG BENTLEY, STEVEN FORMAN, JOHN HEIDEMAN, LEVANA LOMMA, BRIAN MOUER-TOZIER, MADHAVA SHAKTI, GERALYN SCHULKIND, DOES 1 through 100, on behalf of them and all other similarly situated people, Plaintiffs, vs. DAVID Y. IGE, in his official capacity as Governor of the State of Hawai‘i and personal capacities,	)	CIVIL NO. CV21-00488 JAO-KJM (Other Civil Rights) DEFENDANT DEREK S.K. KAWAKAMI'S, IN HIS OFFICIAL CAPACITY AS MAYOR OF KAUA‘I AND PERSONAL CAPACITIES, MOTION TO DISMISS PLAINTIFFS' COMPLAINT FILED ON DECEMBER 12, 2021 [ECF NO. 1]; MEMORANDUM IN SUPPORT OF MOTION; REQUEST TO TAKE JUDICIAL NOTICE; CERTIFICATE OF SERVICE

DEREK S.K. KAWAKAMI, in his official capacity as Mayor of Kaua‘i and personal capacities, and COUNTY OF KAUA‘I, DOES 1- 100,	)	Judge: Honorable Jill A. Otake
	)	Trial Date: None
Defendants.	)	

DEFENDANT DEREK S.K. KAWAKAMI'S, IN HIS OFFICIAL CAPACITY AS MAYOR OF KAUA‘I AND PERSONAL CAPACITIES, MOTION TO DISMISS PLAINTIFFS' COMPLAINT FILED ON DECEMBER 12, 2021

COMES NOW, Defendant DEREK S.K. KAWAKAMI ("Mayor Kawakami"), in his official capacity as Mayor of Kaua‘i and personal capacities, by and through the undersigned attorney, hereby files this Motion to Dismiss Plaintiffs' Complaint filed on December 12, 2021 [ECF No. 1] ("Complaint") pursuant to Rules 7 and 8(a) of the Federal Rules of Civil Procedure ("FRCP").

The motion is made on the grounds that Plaintiffs have failed to state sufficient facts to support cognizable legal theories entitling them to relief as required by FRCP 12(b)(6). This motion is based upon the attached memorandum in support of motion, the complete files and records in this action, the oral argument of counsel and upon such further evidence that may be adduced during the hearing on this motion.

Hawai‘i District Local Rule 7.8 Compliance

This motion is made following the conference between Plaintiffs' Attorney

Sierra Hagg, and Deputy County Attorney's Charles A. Foster and Mark L. Bradbury. The conference was conducted telephonically on February 9, 2022 and lasted approximately ten minutes. The only issue addressed regarding this particular motion concerned the constitutionality of the Covid-19 quarantine mandates issued by Hawai‘i Governor David Ige and Kaua‘i Mayor Derek Kawakami. Plaintiffs' counsel contends that the quarantine mandates are unconstitutional whereas Mayor Kawakami believes otherwise. Needless to say, the issue remains unresolved.

DATED: Līhu‘e, Kaua‘i, Hawai‘i, February 16, 2022.

MATHEW M. BRACKEN
County Attorney

/s/ Mark L. Bradbury
MARK L. BRADBURY
Deputy County Attorney

Attorneys for Defendant
DEREK S.K. KAWAKAMI, in his official capacity as Mayor of Kaua‘i and personal capacities