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 ARIEL TERGEOGLOU, DEAN EDWARDS,
 SALLY LUNDBURG, KEITH TALLETT,
 ROLAND SHACKELFORD, JERRY BESS,
 JOEL GOLLAHER, STEVEN ROBERSON,
 and STEPHEN SOROS

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THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAI'I

MĀLAMA I KE KAI 'O WAIFI'O, a volunteer)	CIVIL NO.
community association organized under	)	[Declaratory Judgment]
Chapter 429, HRS, DAVID ANDERSON,	)	(Hilo)
SARAH ANDERSON, WINTER ANDERSON,)	
HEATHER NAHAKU KALEI,	)	PLAINTIFFS MĀLAMA I KE KAI
ARIEL TERGEOGLOU, SALLY LUNDBURG,	)	'O WAIFI'O, <i>et al.</i> 's
KEITH TALLETT, ROLAND SHACKELFORD,	)	MEMORANDUM IN OPPOSITION
DEAN EDWARDS, JERRY BESS,	)	TO DEFENDANTS' MOTION TO
JOEL GOLLAHER, STEVEN ROBERSON,	)	DISMISS COMPLAINT;
STEPHEN SOROS, and STEVEN STRAUSS,	)	DECLARATION OF
	)	CHRISTOPHER YUEN; EXHIBITS
Plaintiffs,	)	A - F; DECLARATION OF PANOS
	)	PREVEDOUROS, INCLUDING
vs.	)	EXHIBITS AAA-CCC;
	)	DECLARATION OF
	)	MACK ASATO; DECLARATION
MITCHELL D. ROTH, in his capacity as Mayor of	)	OF ARIEL TERGEOGLOU;
the County of Hawai'i, IKAIKA RODENHURST,	)	CERTIFICATE OF SERVICE

in his capacity as Director, County of Hawai‘i,)
Department of Public Works, COUNTY OF)
HAWAI‘I, and DOES 1-10,)
)
Defendants.)
)
)
)
_____)

HEARING: JUNE 14, 2022
TIME: 8:00 A.M.
JUDGE PETER K. KUBOTA
NO TRIAL DATE SET

PLAINTIFFS MĀLAMA I KE KAI ‘O WAIFI‘O, et al.'s MEMORANDUM IN OPPOSITION
TO DEFENDANTS' MOTION TO DISMISS COMPLAINT

Through their respective counsel of record, Plaintiffs MĀLAMA I KE KAI ‘O WAIFI‘O MĀLAMA I KE KAI ‘O WAIFI‘O, DAVID ANDERSON, SARAH ANDERSON, WINTER ANDERSON, HEATHER NAHAKU KALEI, ARIEL TERGEOGLOU, DEAN EDWARDS, SALLY LUNDBURG, KEITH TALLETT, ROLAND SHACKELFORD, JERRY BESS, JOEL GOLLAHER, STEVEN ROBERSON, STEPHEN SOROS, and STEVEN STRAUSS ("Plaintiffs") file their Memorandum in Opposition to Defendants' Motion to Dismiss Complaint filed May 12, 2022.

I. STATEMENT OF MATERIAL FACTS NOT IN GENUINE DISPUTE

1. Longstanding public use of Hawai‘i's beaches has ripened into a customary right and public policy favors extending to public use and ownership as much of Hawaii's shoreline as is reasonably possible.

2. Waipi‘o Valley Road is owned by the County of Hawai‘i and a necessary and integral component of public access to Waipi‘o beach and the adjacent ocean.

3. The rights enjoyed by Plaintiffs to public use and ownership of Hawai‘i's beaches and the rights are fundamental.

4. The rights enjoyed by Plaintiffs and guaranteed by Articles 2, 5 and 8 of the Hawai‘i Constitution are fundamental.

5. Up until February 25, 2022, the members of Plaintiff MĀLAMA I KE KAI ‘O WAIPĪ‘O, the individual Plaintiffs and their respective ohana all enjoyed free, unrestricted access over the County-owned road from the Waipi‘o valley lookout to the valley floor and then to the ocean and beach at Waipi‘o.

6. On February 25, 2022 Defendant MITCHELL D. ROTH issued a Traffic Emergency Zone Declaration dated February 25, 2022 ("Emergency Declaration") and Mayor's Waipi‘o Valley Road Emergency Rule No. 1 ("Emergency Rule").

7. On February 25, 2022, Defendant MITCHELL D. ROTH interrupted and violated Plaintiffs' access to the ocean and beach at Waipi‘o and Plaintiffs' enjoyment of life and pursuit of happiness.

8. The Emergency Declaration claims that “on scientific information and expertise available, Waipi'o Valley Road is in imminent threat of slope and roadway failure threatening the health, safety and welfare of the people.”

9. The Emergency Declaration also claims that “the danger of disaster is of such magnitude to warrant preemptive and protective action in order to provide for the health, safety, and welfare of the people[.]”

10. However, the Emergency Declaration also admits that “the temporary closure of, or the lack of adequate access to Waipio Valley” would cause “substantial endangerment to public health and safety.”

11. Notwithstanding the Emergency Declaration’s recognition that closure of Waipi`o Valley Road would cause substantial harm to the public interest, Defendant Roth’s Emergency Rule ordered the road closed.

12. No credible scientific information and available expertise nor other basis exists to

support Defendant Roth's Declaration and Emergency Rule that Waipi'o Valley Road is "in **imminent** threat of slope and roadway failure threatening the health, safety, and welfare of the people" and "due to the possibility of **imminent** emergency or disaster."

13. The Emergency Orders do not contain clear findings establishing the necessity for the closure of Waipi'o, that the closure is in the public's interest.

14. While prohibiting the general public from accessing Waipio Valley Road, the Emergency Orders contain an arbitrary system of individualized exemptions permitting certain classes of individuals to use the road.

15. In claimed reliance on a flawed Preliminary Geotechnical Engineering Evaluation prepared by the engineering firm Hart Crowser for Defendant County of Hawai'i, Department of Public Works and similarly flawed recommendations from the same Defendant County of Hawai'i, Department of Public Works, Defendant MITCHELL D. ROTH exaggerated and misstated the conclusions of such Evaluation and declared an emergency when none existed.

16. There appear to be no records of incidents of injury or death to persons from rock fall, landslide or roadway failure along Waipi'o Valley Road at any time during the last 50 years.

See Declaration of Mack Asato dated April 6, 2022 at ¶ 4 which states

During my [1980 to 2015] employment with Department of Public Works, the assessment, removal, and mitigation and repair of rock falls and landslides on Waipi'o Valley Road was within the scope of my duties. During my thirty five years employment, I did not see or hear of any incident in which a person was injured or killed from a rock fall or landslide on Waipi'o Valley Road.

See also County Defendants' Motion to Dismiss Complaint filed May 12, 2022 and supporting documents which identify no lethal rockfall or landslide events.

17. Defendant ROTH claimed to rely on HRS §264-1.5, but HRS §264-1.5 provides no authority for his actions and does not allow for closure of Waipi'o Valley road. Even if HRS

§264-1.5 provided him authority, Defendant ROTH failed to follow the requirements of the statute.

II. ARGUMENT AND AUTHORITIES

A. Standard of Decision

When a plaintiff converts a defendant's HRCP Rule 12(b) (6) motion into a HRCP Rule 56 motion for summary judgment by presenting matters outside the pleadings that are not excluded by the trial court, without filing a cross-motion for summary judgment, the court should view the facts presented in the pleadings and the evidence submitted by the plaintiff (and the inferences to be drawn therefrom) in the light most favorable to the plaintiff. *Ralston v. Yim*, 129 Hawai'i 46, 56, 292 P.3d 1276, 1286 (2013); accord *Andrade v. Cty. of Hawai'i*, 145 Haw. 265, 451 P.3d 1 (Haw. App 2019).

B. The Declaratory Relief Count of the Complaint May Not be Dismissed as a Matter of Law

In their Memorandum in support of their Motion to Dismiss, County Defendants first argue that the Mayor has clear authority to limit access to roads pursuant to the County's police power. County Defendants' Memorandum in Support, pp. 6-7. The Mayor, however, is not the governor and does not have plenary powers. Indeed, County Defendants cite no controlling authority for their position.

Under State law, the Mayor's sole source of general emergency powers is HRS §127A-14. In this case, however, the Mayor did not declare a state of emergency under HRS §127A-14.¹ See Exhibits 1 and 2 to County Defendants Motion to Dismiss. Instead, Defendant Roth

¹ Had the Mayor declared an emergency under HRS §127A-14, any emergency declaration would have terminated automatically sixty days after the issuance of his proclamation by operation of HRS §127A-14(d).

relied on an inapplicable State statute, HRS §264-1.5, which is specific to keeping roads open, not closing them. HRS §264-1.5 allows Defendant Roth to designate an area as a traffic emergency zone if he determines that substantial endangerment to public health or safety *is or is likely to be caused by* the temporary closure of, or lack of the adequate access to an area by, a county highway.

The Mayor's Declaration and Emergency Rule seek to invoke HRS §264-1.5, which provides in pertinent part:

§264-1.5 Emergency powers; traffic emergency zones. (a) Notwithstanding any law to the contrary, if the governor or state director of transportation, in the case of a state highway, or the mayor of a county or the county director of transportation, in the case of a county highway, determines that substantial endangerment to public health and safety is or is highly likely to be caused by the temporary closure of, or the lack of adequate access to an area by, a county highway or a state highway as defined under section 264-1(a), which requires immediate action, the governor or state director of transportation, in the case of a state highway, or a mayor of a county or the county director of transportation, in the case of a county highway, without a public hearing, may designate the area to be a traffic emergency zone, and may take any action that may be necessary until access to the designated area has been established. The designation shall fix a place and time, not later than twenty-four hours after the designation, for a hearing to be held before the state director of transportation, or the county director of transportation.

(b) Upon designation of an area as a traffic emergency zone by the governor or the state director of transportation, or the mayor of a county or the county director of transportation:

- (1) State or county highway or street improvements, including but not limited to new construction, reconstruction, preservation, resurfacing, restoration, or rehabilitation of any county or state highway may be undertaken without regard to chapter 103D;
- (2) All structures and improvements to land to be used for state or county highway purposes:
 - (A) May be planned, designed, and constructed by the appropriate state or county department without the approval of county agencies; and
 - (B) Shall be exempt from any county permitting requirements; and
- (3) The state department of transportation or county department of transportation may acquire and designate cane haul roads as state

or county highways; provided that the use of cane haul roads as state or county highways shall be for temporary purposes only for a period of time as determined by the state or county director of transportation, but for no longer than the public health and safety requires.

The purpose of HRS §264-1.5 is to protect public health and safety during traffic emergencies by allowing for the establishment of traffic emergency zones to *provide access* to an affected area, not close a County road. See Conference Committee Report No. 59 on HB No. 1608, S.D.3, C.D. 1, April 26, 2007.

In *For Our Rights vs. Ige*, 151 Haw. 1, 507 P.3d 531 (App. 2022), the Intermediate Court of Appeals held that the interpretation of a statute authorizing an emergency declaration is a question of law. (plaintiffs did not dispute COVID-19 created an emergency but argued the governor could not issue repeated 60-day declarations). In this case then, the Court must decide whether the Mayor is correctly interpreting §264-1.5. In other words, for the Court to determine that the Mayor properly invoked §264-1.5, the Court would have to reject the legislative history and the plain words of the statute to determine that substantial endangerment to public health and safety is or is highly likely to be caused not by the temporary closure of, or the lack of adequate access to an area by, a county highway or a state highway but by keeping the highway open and providing adequate access.

The Court should be loath to rewrite the statute to state the opposite of its words. See *State v. Shaw*, 150 Hawai'i 56, 61, 497 P.3d 71, 76 (2021) ("[t]he legislature is presumed not to intend an absurd result, and legislation will be construed to avoid, if possible, inconsistency, contradiction[,] and illogicality") (citation omitted).

In their memorandum, County Defendants try to pull a fast one on the Court by conflating the County's (County Council) non-emergency power to close County highways under

HRS §46-1.5(19) with the Mayor's emergency powers under HRS §264-1.5. Even more fatal to the County Defendants' argument is the Hawai'i County Code §24-8(2), which provides that the County Council decides when to close roads to pedestrians.

The Code section provides in pertinent part:

Section 24-8. Council to exercise certain functions by ordinance.

(a) The council shall by ordinance:

...

(2) Create, define, redefine, eliminate or change ... roadways closed to pedestrian traffic, and roadways closed to certain classes of vehicles.

As stated above, the Court must take the factual allegations of the Complaint as true.

The Complaint alleges at ¶53:

By issuing his Declaration and Emergency Rule, Defendant MITCHELL D. ROTH sought to designate the Waipi'o Valley to be a traffic emergency zone and close the road. The Declaration and Emergency Rule, however, did not comply with the statutory requirement of HRS §264-1.5 to fix a place and time, not later than twenty-four hours after the designation, for a hearing to be held before the county director of transportation.

In their Memorandum, County Defendants present no evidence that the Mayor's Declaration and Emergency Rule fixed a place and time, not later than twenty-four hours after the designation, for a hearing to be held before the county director of transportation. Similarly, the County Defendants present no evidence that the County Director of Transportation ever conducted such a hearing.

It is apparent that upon reading County Defendants' Exhibits 1 and 2 that the statutorily-required hearing was not fixed and did not occur. Instead of addressing this defect, County Defendants simply state: "Mayor Roth's actions were made upon lawful procedure..." County Defendants' Memorandum in Support, p. 7. County Defendants' Motion to Dismiss must be denied on this basis alone.

County Defendants' Motion to Dismiss utterly fails to address the elephant in the room: the Mayor's Declaration and Emergency Rule were not based in science nor fact and there is no emergency.

The Mayor's erroneous conclusions are not immune from judicial review. See *Verreos v. City and County of San Francisco*, 63 Cal.App.3d 86, 133 Cal.Rptr. 649 (Cal. App. 1976)(a court must review the factual basis for a mayor's emergency decree.) In this case, no deference should be paid to the Mayor's actions.

First, the basis on which the Mayor declared an emergency, purported risk to pedestrians and vehicle occupants traveling Waipio Valley Road, is grossly overstated. See Complaint, ¶¶ 42-47; Declaration of Christopher Yuen and Exhibits A - F attached thereto; Declaration of Panos Prevedouros including his attached exhibits AAA-CCC, and Declaration of Mack Asato.

We know that the Mayor and Department of Public Works relied exclusively on the Preliminary Geotechnical Engineering Evaluation dated January 2022 for Waipi'o Valley Road by engineers Hart Crowser ("Hart Crowser Evaluation"). The pertinent portions of the Evaluation are attached as Exhibit A to the Declaration of Christopher Yuen. When Mr. Yuen pointed out the mathematical errors made by engineers Hart Crowser to Defendant Department of Public Works, County of Hawai'i Department of Public Works' employee Steve Pause confirmed that the Mayor's actions were based solely on the Hart Crowser Evaluation. See Exhibit C, comprising a true and correct copy of Steve Pause's email response to Mr. Yuen dated March 9, 2022.

Mr. Yuen laid out the Hart Crowser errors in emails both to Hart Crowser and to the Department of Public Works. Declaration of Christopher Yuen, ¶¶ 6-7; Exhibits D and E.

Nevertheless, Hart Crowser has never corrected their flawed work and the Department of Public Works has not required them to do so.

Mr. Yuen's analysis is confirmed by Panos Prevedouros, Ph.D., Professor Emeritus of Civil Engineering at the University of Hawaii at Manoa. Dr. Prevedouros' Declaration, curriculum vitae attached as internal exhibit AAA and internal exhibits BBB and CCC spreadsheets is filed herewith. According to Dr. Prevedouros, the risk to vehicle occupants traveling Waipio Valley Road is overstated by Hart Crowser to be 97 times higher than it actually is. See Declaration of Panos Prevedouros, ¶ 14. Similarly, the risk to pedestrians traveling Waipio Valley Road is overstated by Hart Crowser to be 279 to 282 times higher than it actually is. See Declaration of Panos Prevedouros, ¶ 16.

When properly calculated, the actual risks are well within the acceptable risk for existing slopes using the Australian Geomechanics Society ("AGS") risk evaluation methodology applied in the Hart Crowser Evaluation at pp. 10-11. This means that contrary to the Mayor's Emergency Declaration, the danger of disaster is not of such magnitude that closure of Waipio Valley Road to most but not all users is necessary to provide for the health, safety, and welfare of the people.

Dr. Prevedouros' conclusions are important because the Mayor's Emergency Declaration purports to be based on "scientific information and expertise available". Exhibit 1 to County Defendants' Memorandum. It is not. Instead, it is based on error.

Even with its mathematical errors and exaggerated risk conclusions, the Hart Crowser Evaluation did not recommend closure of Waipi'o Valley Road, except for times associated with heavy rain events. Moreover, nowhere in the Hart Crowser report does the word "imminent" appear. Nevertheless, the Mayor's Declaration claims that the possibility of "imminent"

emergency or disaster compels him to declare a traffic emergency zone. According to Webster's online dictionary, imminent means ready to take place : happening soon. It does not mean "could occur at any time" or "sometime in the future".

Taking the allegations of the Complaint as true, and in the absence of any evidence supporting the Mayor's overstated and exaggerated conclusions of risk and imminence, the Court cannot properly determine that Plaintiffs have stated no set of facts upon which they may prevail on their declaratory relief claims.

The Hart Crowser Preliminary Geotechnical Engineering Evaluation provides no support for closing Waipi'o Valley Road to Plaintiffs.

C. The Public Trust Count of the Complaint May Not be Dismissed as a Matter of Law

In their Motion to Dismiss, County Defendants fail to fully apprehend the scope of the public trust doctrine. It is not simply the conservation of water resources, but also the advancement of public rights in the resource. This means the fundamental rights of Plaintiffs' to continue to use the ocean for their recreation, enjoyment and healthful environment. See Complaint, ¶¶ 65-67.

The Hawai'i Constitution adopts the public trust doctrine as a fundamental principle of constitutional law." *Kauai Springs, Inc. v. Plan. Comm'n of Kauai*, 133 Haw. 141, 171, 324 P.3d 951, 981 (2014). The public trust encompasses all the water resources in the state, and it requires that state agencies "must take the initiative in considering, protecting, and advancing public rights in the resource at every stage of the planning and decision-making process." *Id.* at 172-73, 324 P.3d at 982-83. Emphasis added. The public trust doctrine applies equally to the County.

County Defendants have presented no evidence that County Defendants considered, protected, and advanced Plaintiffs' public rights to use the ocean waters at Waipi'o. Now, the County speciously claims that it is protecting Waipio ocean waters by closing a road that is "on land adjacent to the ocean." Of course, the roadway is not adjacent to the ocean. The Court must reject County Defendants' attempt to rewrite the public trust doctrine to exclude the use of public water resources by the public and deny this part of County Defendants' motion.

D. Plaintiffs' Procedural Due Process Rights are Not Foreclosed by *Flint*

The Mayor's Declaration and Emergency Rule violated Plaintiffs' procedural due process rights because they suspended Plaintiffs' fundamental State constitutional, statutory and common law rights to access, enjoyment of life and happiness and a clean and healthful environment without notice and a meaningful opportunity to be heard. See Complaint, ¶¶ 83-85. The sole statute relied on by Defendant Roth, HRS 264-1.5, requires a hearing, which was not provided.

County Defendants misplace their reliance on *Flint v. County of Kauai*, 521 F. Supp.3d 978 (D. Haw. 2021). First, *Flint* dealt with property rights and potential takings, not fundamental State constitutional rights. Second, *Flint* recognized that the right to procedural due process protects individuals from deprivation of a constitutionally protected interest without adequate procedural protections, citing *Endy v. Cnty. of Los Angeles*, 975 F.3d 757, 764 (9th Cir. 2020). In this case, County Defendants deprived Plaintiffs of the hearing to which they were statutorily entitled. This is the gravamen of Plaintiffs' procedural due process claim.

E. Plaintiffs' Have Stated a Valid Procedural Due Process Claim

County Defendants attempt to analogize this case to *Flint*, where the plaintiffs presented an equal protection claim as a substantive due process claim. In this case, Plaintiffs' substantive due process claim does not rest on the fact that they are treated differently than others, but that

Defendant ROTH's misrepresentation and exaggeration of the condition of Waipi'o Valley Road is not rationally related to a legitimate safety interest, because the basis for the decision is itself not rational.

Defendant ROTH claims that Waipi'o Valley Road is in imminent threat of slope and roadway failure are wrong, exaggerated, unsupported by science, mathematics and expertise. See Complaint, ¶¶89 -93. Plaintiffs have presented ample evidence in support of their claims that the Mayor's actions were arbitrary and capricious, including the Yuen, Prevedouros, and Asato declarations and exhibits. County Defendants have presented nothing to discount Plaintiffs' allegations and evidence and are not entitled to dismissal of this Count.

F. Plaintiffs' Equal Protection Claim Must Survive

County Defendants ignore the nature of Plaintiffs' rights asserted herein. They are fundamental State constitutional rights recognized as fundamental both by the State Constitution and the Hawai'i Supreme Court. See Complaint, ¶¶ 69 - 73, which state:

69. The Hawai'i Constitution Article 1, section 5 guarantees every person "equal protection of the laws." Every person within the State's jurisdiction is protected against intentional and arbitrary discrimination.

70. Exclusion of Plaintiffs from use of Waipi'o Valley Road in favor of other groups intentionally and arbitrarily discriminates against Plaintiffs and impairs their fundamental rights in violation of their constitutional respective rights to equal protection.

71. No rational relationship exists between the disparity of treatment of various groups seeking to continue to use Waipi'o Valley Road and some legitimate governmental purpose.

There is no reasonably conceivable state of facts that could provide a rational basis for the exclusion of Plaintiffs from use of Waipi'o Valley Road in the exercise of their fundamental rights. If Waipi'o Valley Road is safe enough for valley residents, tenants, landowners and others to use under the Declaration and Emergency Rule, it is safe enough for Plaintiffs to use as well.

72. The only basis offered by County Defendants to close Waipi'o Valley Road to Plaintiffs is that "upon scientific information and expertise available, Waipi'o Valley Road is in **imminent** threat of slope and roadway failure threatening the health, safety, and welfare of the people" and "due to the possibility of **imminent** emergency or disaster". Emphasis added.

73. The basis stated by County Defendants, however, is demonstrably false. No scientific information and expertise states that Waipi'o Valley Road is in **imminent** threat of slope and roadway failure. Moreover, common sense and historical evidence shows that the County Defendants' claim is untrue. In addition, the probable risk of harm or death to users of Waipi'o Valley Road from rock fall events is vastly exaggerated by County Defendants, based on defectively applied mathematics, and belied by common sense and historical evidence. Where, as here, government acts in an irrational and arbitrary manner with respect to similarly situated persons, i.e. users of Waipio Valley Road, it violates equal protection.

County Defendants mislead the Court when they state in their Memorandum at p. 14 that "Plaintiffs do not dispute the fact that Waipio Valley Road poses risks to users..." That's nonsense. All travel involves some risk. The issue is of course whether the risk is unreasonably high, sufficient to require emergency action. The answer is no.

Equal protection is violated not just because Plaintiffs are treated differently than other users, but because the alleged basis for the County Defendants to take emergency action was arbitrary and capricious. See Village of Willowbrook v. Olech, 528 U.S. 562, 120 S. Ct. 1073 , 145 L. Ed. 2d 1060 (2000).

The Supreme Court stated at p. 564:

Our cases have recognized successful equal protection claims brought by a "class of one," where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment. See Sioux City Bridge Co. v. Dakota County, 260 U.S. 441, 67 L. Ed. 340, 43 S. Ct. 190 (1923); Allegheny Pittsburgh Coal Co. v. Commission of Webster Cty., 488 U.S. 336, 102 L. Ed. 2d 688, 109 S. Ct. 633 (1989). In so doing, we have explained that "the purpose of the equal protection clause of the Fourteenth Amendment is to secure every person within the State's jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly constituted agents." Sioux City Bridge Co., supra, at 445 (quoting Sunday Lake Iron Co. v. Township of Wakefield, 247 U.S. 350, 352, 62 L. Ed. 1154, 38 S. Ct. 495 (1918)).

G. County Defendants Present No Basis For Dismissal Of Plaintiffs' Injunctive Relief And Private Attorney General Claims

County Defendants presuppose that Plaintiffs' injunctive relief claims and private attorney general claims must fail because all other claims will be dismissed. They won't and they won't.

III. CONCLUSION

Based on the argument, authorities and evidence submitted herein, County Defendants' Motion to Dismiss should be denied in its entirety.

Dated: Hilo, Hawai'i, June 6, 2022. /Steven D. Strauss/

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Dated: Hilo, Hawai'i, June 6, 2022.

/Christopher R. Bridges/

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