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Attorneys for Intervenors
ALIKA ATAY, LORRIN PANG,
MARK SHEEHAN, BONNIE MARSH,
LEI'OHU RYDER, and SHAKA MOVEMENT

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ROBERT ITO FARM, INC.; HAWAII) CIVIL NO. 14-00511 BMK
FARM BUREAU FEDERATION,)
MAUI COUNTY; MOLOKAI) INTERVENORS ALIKA ATAY,
CHAMBER OF COMMERCE;) LORRIN PANG, MARK SHEEHAN,
MONSANTO COMPANY;) BONNIE MARSH, LEI'OHU RYDER,
AGRIGENETICS, INC.;) AND SHAKA MOVEMENT'S
CONCERNED CITIZENS OF) MOTION TO DISMISS OR FOR
MOLOKAI AND MAUI; FRIENDLY) JUDGMENT ON THE PLEADINGS,
ISLE AUTO PARTS & SUPPLIES,) OR IN THE ALTERNATIVE, TO
INC.; NEW HORIZON)
ENTERPRISES, INC. DBA MAKOA) [*caption continued on next page*]

TRUCKING AND SERVICES; and
HIKIOLA COOPERATIVE,

Plaintiffs,

vs.

COUNTY OF MAUI,

Defendant.

) STAY PROCEEDING;
) MEMORANDUM IN SUPPORT OF
) MOTION; DECLARATION OF
) MICHAEL C. CARROLL; EXHIBITS
) A-D; CERTIFICATE OF SERVICE
)
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)
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INTERVENORS ALIKA ATAY, LORRIN PANG,
MARK SHEEHAN, BONNIE MARSH, LEI’OHU RYDER,
AND SHAKA MOVEMENT’S MOTION TO DISMISS
OR FOR JUDGMENT ON THE PLEADINGS,
OR IN THE ALTERNATIVE, TO STAY PROCEEDING

Intervenors Alika Atay, Lorrin Pang, Mark Sheehan, Bonnie Marsh, Lei’ohu Ryder, and the Sustainable Hawaiian Agriculture for the Keiki and the ‘Aina (“SHAKA”) Movement (collectively, “Movants”), by and through their attorneys, Bays Lung Rose & Holma, hereby respectfully move this Court to dismiss the Complaint or to enter Judgment on the Pleadings, or to stay this proceeding pending the resolution of the State Court Action entitled Alika Atay, et al. v. County of Maui, et al., Civil No. 14-1-0638 (2). Movants further request that the Court enter an order setting aside the Stipulation Regarding County of Maui and Order, CM/ECF No. 26. A copy of the Complaint that Movants seek to dismiss is attached hereto as Exhibit A pursuant to Local Rule 12.1.

This Motion is brought pursuant to Federal Rules of Civil Procedure Rule 12(b)(1), (6), and 12(c) and is based upon this Motion, Memorandum in Support of Motion, Declaration of Michael C. Carroll, Exhibits A-D attached hereto, and the records and files herein.

DATED: Honolulu, Hawai'i, November 21, 2014.

/s/ Michael C. Carroll

KARIN L. HOLMA

MICHAEL C. CARROLL

SHARON A. LIM

Attorneys for Movants

ALIKA ATAY, LORRIN PANG, MARK

SHEEHAN, BONNIE MARSH, LEI'OHU

RYDER, AND SHAKA MOVEMENT