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Attorneys for Defendants
DEFENDER COUNCIL, JON N. IKENAGA, and
AGRIBUSINESS DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAI'I

PUBLIC FIRST LAW CENTER,

Plaintiff,

vs.

DEFENDER COUNCIL; JON N. IKENAGA;
and AGRIBUSINESS DEVELOPMENT
CORPORATION BOARD OF DIRECTORS,

Defendants.

CIVIL NO.: 1CCV-24-000050 (JJK) /s/ JJK
(Other Civil Action)

ORDER GRANTING IN-PART AND
DENYING IN-PART PLAINTIFF PUBLIC
FIRST LAW CENTER'S *MOTION FOR
PARTIAL SUMMARY JUDGMENT ON
COUNTS I-IX*, FILED ON OCTOBER 23,
2024 AS DKT. 60

HEARING:

Date: November 25, 2024

Time: 9:30 a.m.

Judge: Honorable Jordon J. Kimura

**ORDER GRANTING IN-PART AND DENYING IN-PART PLAINTIFF
PUBLIC FIRST LAW CENTER'S *MOTION FOR PARTIAL SUMMARY
JUDGMENT ON COUNTS I-IX*, FILED ON OCTOBER 23, 2024 AS DKT. 60**

Plaintiff PUBLIC FIRST LAW CENTER's *Motion for Partial Summary Judgment on
Counts I-IX* came on for hearing before the Honorable Jordon J. Kimura on November 25, 2024
at 9:30 a.m.



Robert B. Black, Esq., and Benjamin M. Creps, Esq., appeared on behalf of Plaintiff PUBLIC FIRST LAW CENTER (“**Plaintiff**”). David N. Matsumiya, Deputy Attorney General, appeared on behalf of Defendants DEFENDER COUNCIL (“**Defendant DC**”), JON N. IKENAGA, and AGRIBUSINESS DEVELOPMENT CORPORATION BOARD OF DIRECTORS (hereinafter collectively referred to as “**Defendants**”).

The Court reviewed and considered the following filings by the parties:

1. Plaintiff’s *Motion for Partial Summary Judgment on Counts I-IX*, which was filed on October 23, 2024 as Dkt. 60 (“**Plaintiff’s Partial MSJ – Counts I-IX**”);
2. *Defendants Defender Council, Jon N. Ikenaga, and Agribusiness Development Corporation Board of Directors’ Memorandum in Opposition to Plaintiff Public First Law Center’s Motion for Partial Summary Judgment on Counts I-IX, Filed on October 23, 2024 as Dkt. 60*, which was filed on November 15, 2024 as Dkt. 74 (“**Defendants’ MIO – Counts I-IX**”); and
3. Plaintiff’s *Reply Memorandum in Support of Motion for Partial Summary Judgment on Counts I-IX*, which was filed on November 20, 2024 as Dkt. 82 (“**Plaintiff’s Reply – Counts I-IX**”).

After reviewing Plaintiff’s Partial MSJ – Counts I-IX, Defendants’ MIO – Counts I-IX, Plaintiff’s Reply – Counts I-IX, and the exhibits attached thereto, taking judicial notice of the record and files contained herein, and considering the arguments presented by counsel at the hearing, it is hereby ORDERED, ADJUDGED, and DECREED that the declaratory relief sought by Plaintiff for Count IX is hereby granted.

It is FURTHER ORDERED, ADJUDGED, and DECREED that the declaratory relief sought by Plaintiff for Counts I-VIII are hereby denied without prejudice.

DATED: Honolulu, Hawai‘i, December 4, 2024.

/s/ **Jordon J. Kimura**
Judge of the Above-Entitled Court



APPROVED AS TO FORM

/s/ Benjamin M. Creps
Robert B. Black, Esq.
Benjamin M. Creps, Esq.
Attorneys for Plaintiff
PUBLIC FIRST LAW CENTER

Public First Law Center v. Defender Council, et al.; Civil No. 1CCV-24-000050 (JJK); ORDER GRANTING IN-PART AND DENYING IN-PART PLAINTIFF PUBLIC FIRST LAW CENTER'S *MOTION FOR PARTIAL SUMMARY JUDGMENT ON COUNTS I-IX*, FILED ON OCTOBER 23, 2024 AS DKT. 60 /s/ JJK