

MATTHEW M. BRACKEN 10267  
County Attorney  
MARK L. BRADBURY 9352  
Deputy County Attorney  
Office of the County Attorney  
4444 Rice Street, Suite 220  
Līhu‘e, Hawai‘i 96766  
Telephone: (808) 241-4930  
Facsimile: (808) 241-6319  
E-Mail: [mbracken@kauai.gov](mailto:mbracken@kauai.gov)  
[mbradbury@kauai.gov](mailto:mbradbury@kauai.gov)

Attorneys for Defendants  
DEREK KAWAKAMI, ARRYL  
KANESHIRO and COUNTY OF KAUA‘I

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

HAWAIIAN KINGDOM, ) CIVIL NO. CV21-00243 LEK-RT  
) (Other Civil Rights)  
Plaintiff, )  
) DEFENDANTS DEREK  
vs. ) KAWAKAMI, ARRYL KANESHIRO  
) AND COUNTY OF KAUA‘I’S  
) MOTION TO DISMISS PLAINTIFF’S  
JOSEPH ROBINETTE BIDEN JR., ) COMPLAINT FOR DECLARATORY  
in his official capacity as President of ) AND INJUNCTIVE RELIEF FILED  
the United States; KAMALA ) ON MAY 20, 2021 [ECF NO. 1];  
HARRIS, in her official capacity as ) MEMORANDUM IN SUPPORT OF  
Vice-President and President of the ) MOTION; EXHIBIT A;  
United States Senate; ADMIRAL ) CERTIFICATE OF SERVICE  
JOHN AQUILINO, in his official )  
capacity a Commander, U.S. Indo- )  
Pacific Command; et al., ) District Judge: Hon. Leslie E.  
) Kobayashi  
Defendants. )  
) Magistrate Judge: Hon. Rom A. Trader  
)  
) No Trial Date Set

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**DEFENDANTS DEREK KAWAKAMI, ARRYL KANESHIRO  
AND COUNTY OF KAUA‘I’S MOTION TO DISMISS  
PLAINTIFF’S COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF FILED ON MAY 20, 2021 [ECF NO. 1]**

COMES NOW, Defendants DEREK KAWAKAMI, in his official capacity as Mayor of the County of Kaua‘i (“Mayor Kawakami”), ARRYL KANESHIRO, in his official capacity as Chair of the Kaua‘i County Council (“Chair Kaneshiro”) and COUNTY OF KAUA‘I (“County”) (collectively referred to as “County Defendants”), by and through their undersigned attorneys hereby file this Motion to Dismiss Plaintiff’s Complaint for Declaratory and Injunctive Relief filed on May 20, 2021 [ECF No. 1] (“Complaint”) pursuant to Rule 7 of the Federal Rules of Civil Procedure (“FRCP”) and Rule 7.1 of the Local Rules of Practice for the United States District Court for the District of Hawai‘i (“LR”).

The motion to dismiss is made on the following grounds: (1) this Court lacks subject matter jurisdiction as required by FRCP 12(b)(1); and (2) Plaintiff HAWAIIAN KINGDOM (“Kingdom”) has failed to state facts entitling it to the relief it requests as required by FRCP 12(b)(6). This motion is based on the record and files herein, argument of counsel, and any evidence adduced during the hearing on this motion.

Hawai‘i District Local Rule 7.8 Compliance

This motion is made following the conference of counsel pursuant to LR 7.8 which took place on June 24, 2021.

DATED: Līhu‘e, Kaua‘i, Hawai‘i, July 1, 2021.

MATTHEW M. BRACKEN  
County Attorney

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

Attorneys for Defendants  
DEREK KAWAKAMI, ARRYL  
KANESHIRO, and COUNTY OF  
KAUA‘I