

ELIZABETH A. STRANCE 4715
Corporation Counsel

MARK D. DISHER 8987
DAKOTA K. FRENZ 8468
Deputies Corporation Counsel
Office of the Corporation Counsel
County of Hawai'i
101 Aupuni Street, Suite 325
Hilo, Hawai'i 96720
Telephone: (808) 961-8251
Facsimile: (808) 961-8622
E-mail: mark.disher@hawaiiicounty.gov

Attorneys for Defendants
COUNTY OF HAWAI'I, MITCHELL ROTH,
and MAILE DAVID

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

HAWAIIAN KINGDOM,

Plaintiff,

vs.

JOSEPH ROBINETTE BIDEN, JR., in
his official capacity as President of the
United States; et al.,

Defendants.

Case No. CV 21-00243 LEK-RT
(Declaratory and Injunctive Relief)

DEFENDANTS COUNTY OF
HAWAI'I, MITCHELL ROTH, AND
MAILE DAVID'S **SUBSTANTIVE
JOINDER** TO *DEFENDANTS DEREK
KAWAKAMI, ARRLY 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]* FILED JULY 1,
2021 [ECF NO. 15]; MEMORANDUM
IN SUPPORT OF SUBSTANTIVE
JOINDER; DECLARATION OF MARK
D. DISHER; EXHIBIT "1";
CERTIFICATE OF SERVICE

District Judge: Hon. Leslie E. Kobayashi

Magistrate Judge: Hon. Rom A. Trader

No Trial Date Set

DEFENDANTS COUNTY OF HAWAI‘I, MITCHELL ROTH, AND MAILE DAVID’S SUBSTANTIVE JOINDER TO *DEFENDANTS DEREK KAWAKAMI, ARRLY 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] FILED JULY 1, 2021 [ECF NO. 15]*

Defendants COUNTY OF HAWAI‘I (“Hawai‘i County”), MITCHELL ROTH, in his official capacity as Mayor of the County of Hawai‘i (“Mayor Roth”), and MAILE DAVID, in her official capacity as Chair of the Hawai‘i County Council (“Chair David”) (hereinafter collectively referred to as “Hawai‘i County Defendants”), by and through their attorneys, hereby submits this **Substantive Joinder** to *Defendants DEREK KAWAKAMI, ARRLY 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]* filed on July 1, 2021 [ECF #15] (“Kaua‘i County’s Motion”).

Hawai‘i County Defendants substantively join in Kaua‘i County Defendants’ argument, that Plaintiff HAWAIIAN KINGDOM’s (“Plaintiff”) *Complaint for Declaratory and Injunctive Relief* filed on May 20, 2021 [ECF #1] (“*Complaint*”) be dismissed with prejudice pursuant to Federal Rules of Civil

Procedure (“FRCP”) Rules 12(b)(1) and 12(b)(6) because: (1) this Court lacks subject matter jurisdiction; and (2) Plaintiff has failed to state facts entitling it to the relief it requests.

This Substantive Joinder is brought pursuant to FRCP Rule 7, Local Rules of Practice for the U.S. District Court, District of Hawai‘i Rules LR7.1, LR7.2, LR7.4, LR 7.7, and is supported by all submissions, arguments and authorities relied on by Kaua‘i County Defendants in support of Kaua‘i County’s Motion, including Kaua‘i County Defendants’ Memorandum in Support of Motion and Exhibit “A” filed on July 1, 2021 [ECF # 15], and the attached Memorandum in Support of Substantive Joinder, the Declaration of Mark D. Disher, and Exhibit “1” attached hereto, all of which are being filed concurrently herein, along with the entire record and files of this case, and such other evidence as may be adduced at the hearing on this motion.

Dated: Hilo, Hawai‘i, July 6, 2021.

COUNTY OF HAWAI‘I, MITCHELL ROTH,
and MAILE DAVID, Defendants

By /s/ Mark D. Disher
MARK D. DISHER
Deputy Corporation Counsel
Attorney for Hawai‘i County Defendants