

NO. 15-16552

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ROBERT ITO FARM, INC.; HAWAII FARM BUREAU FEDERATION, MAUI
COUNTY; MOLOKAI CHAMBER OF COMMERCE; AGRIGENETICS, INC;
dba MYCOGEN SEEDS; MONSANTO COMPANY; CONCERNED CITIZENS
OF MOLOKAI AND MAUI; FRIENDLY ISLE AUTO PARTS & SUPPLIES,
INC.; NEW HORIZON ENTERPRISES, INC. dba MAKOA TRUCKING AND
SERVICES; HIKIOLA COOPERATIVE,
Plaintiffs-Appellees,

v.

COUNTY OF MAUI,
Defendant-Appellee,

v.

ALIKA ATAY; LORRIN PANG; MARK SHEEHAN; BONNIE MARSH;
LEI`OHU RYDER; and SHAKA MOVEMENT,
Intervenor Defendants-Appellants.

Appeal from the United States District Court for the District
of Hawaii, Case No. 1:14-CV-00511-SOM-BMK

**DEFENDANT-APPELLEE COUNTY OF MAUI'S JOINDER TO
PLAINTIFF-APPELLEES' OPPOSITION TO APPELLANTS' MOTION
TO CONSOLIDATE AND EXPEDITE PROCEEDINGS**

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**DEFENDANT-APPELLEE COUNTY OF MAUI'S
JOINER TO PLAINTIFF-APPELLEES' OPPOSITION
TO APPELLANTS' MOTION TO CONSOLIDATE
AND EXPEDITE PROCEEDINGS**

In response to the motion to consolidate and expedite proceedings filed by Intervenor Defendant-Appellants on August 12, 2015, Defendant-Appellee County of Maui hereby states that it joins the opposition to the motion filed by Plaintiff-Appellees.

The County agrees that the appeals in cases 15-16552 and 15-16466 should be consolidated, as they involve appeals from the same order. To the extent the motion requests those two cases be consolidated, the County does not oppose it.

The County opposes consolidation of the case 15-15641, in which Intervenor appealed the preliminary injunction imposed by the district court. The preliminary injunction appeal was mooted when the district court entered its final judgment. See, e.g., Planned Parenthood Arizona v. Betlach, 727 F.3d 960, 963 (9th Cir. 2013) (“The district court's entry of final judgment and a permanent injunction moots Arizona's appeal of the preliminary injunction.”). There is, accordingly, no reason to consolidate that moot matter with the non-moot appeals.

The County likewise opposes consolidation of case 15-16552, which was Intervenor's premature appeal of the district court's summary judgment order, prior to the entry of the final judgment. That appeal is completely duplicative of Intervenor's appeal of the final judgment. There is no reason to consolidate it.

Finally, the County agrees with Plaintiff-Appellees that Intervenor have failed to demonstrate good cause to expedite this appeal under Circuit Rule 27-12. Intervenor's claims regarding irreparable harm are completely conclusory. Likewise, the pending preliminary injunction appeal is, as noted *supra*, moot. The existence of a moot appeal over a preliminary issue is not good cause to expedite this matter.

Accordingly, the County joins Plaintiff-Appellees' opposition to Intervenor's motion and respectfully requests that the motion be denied.

DATED: Wailuku, Maui, Hawaii, August 19, 2015.

PATRICK K. WONG
Corporation Counsel
Attorney for Defendant-Appellee
COUNTY OF MAUI

By /s/ Richard B. Rost
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was duly electronically served on August 19, 2015, on the following parties through CM/ECF:

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