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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) MOVANTS ALIKA ATAY, LORRIN
CHAMBER OF COMMERCE;) PANG, MARK SHEEHAN, BONNIE
MONSANTO COMPANY;) MARSH, LEI'OHU RYDER, AND
AGRIGENETICS, INC.;) SHAKA MOVEMENT'S MOTION TO
CONCERNED CITIZENS OF) INTERVENE; MEMORANDUM IN
MOLOKAI AND MAUI; FRIENDLY) SUPPORT OF MOTION;
ISLE AUTO PARTS & SUPPLIES,)
INC.; NEW HORIZON) [caption continued on next page]
ENTERPRISES, INC. DBA MAKOA)

TRUCKING AND SERVICES; and)	DECLARATION OF BARBARA E.
HIKIOLA COOPERATIVE,)	SAVITT; DECLARATION OF
)	MICHAEL C. CARROLL; EXHIBITS
Plaintiffs,)	A-E; CERTIFICATE OF SERVICE
)	
vs.)	
)	
COUNTY OF MAUI,)	
)	
Defendant.)	
_____)	

MOVANTS ALIKA ATAY, LORRIN PANG,
 MARK SHEEHAN, BONNIE MARSH, LEI’OHU RYDER,
AND SHAKA MOVEMENT’S MOTION TO INTERVENE

Alika Atay, Lorrin Pang, Mark Sheehan, Bonnie Marsh, Lei’ohu
 Ryder, and 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 to intervene as of right as
 defendants in the above-captioned action pursuant to Rule 24(a)(2) of the Federal
 Rules of Civil Procedure (“FRCP”). Alternatively, Movants seek permissive
 intervention under FRCP Rule 24(b) to protect their vital interests in, and in
 support of, Maui County’s ballot initiative entitled “A Bill Placing a Moratorium
 on the Cultivation of Genetically Engineered Organisms” (the “Ordinance”), a
 recently-passed county ordinance that establishes a temporary moratorium on the
 growth, testing, and cultivation of genetically modified or engineered crops
 (“GMOs”) until an industry funded and independently administered Environmental

and Public Health Impacts Study analyzing the key environmental and health effects of GMO operations and practices is completed.

Movants are entitled to intervene as of right pursuant to FRCP Rule 24(a). First, Movants' application for intervention is timely. Next, Movants have significantly protectable interests relating to the subject matter of this lawsuit, as: (1) Movants drafted the Ordinance, vigorously supported and voted in favor of the Ordinance, and actively participated in the legislative process to ensure its passage; and (2) Movants are the plaintiffs in a substantially related previously filed State Court action seeking to declare the Ordinance valid and to have the Ordinance properly administered. Furthermore, a ruling in favor of Plaintiffs in this case would severely impair Movants' ability to protect their interests in seeking the proper implementation and enforcement of the Ordinance.

Finally, Defendant County of Maui's (the "County") actions and statements preceding and following the approval of the Ordinance make plain that the County does not—and is unlikely to—adequately represent Movants' interests in defending the Ordinance's validity. In fact, on November 17, 2014, the County entered into a Stipulation with Plaintiffs in this case to delay the enactment and enforcement of the Ordinance. Order, CM/ECF No. 26. Movants have no confidence that the County's defense of this lawsuit will vigorously assert every

appropriate argument, where the County has already voluntarily agreed to postpone the implementation of the Ordinance.

In the alternative, Movants are entitled to permissive intervention under FRCP Rule 24(b). Common questions of law and fact exist between Movants' previously filed State Court action and this proceeding—the Ordinance's validity and enforceability. The Court also has an independent basis for jurisdiction over Movants' claims, as Movants have asserted an interest in the challenged Ordinance through their dedicated outreach efforts to educate the community about the potentially harmful effects of GMO operations and practices and by presenting defenses and arguments responding to Plaintiffs' claims. Accordingly, Movants respectfully request that the Court enter an order permitting Movants to intervene as of right, or, in the alternative, permissively, in this action.

This Motion is brought pursuant to FRCP Rule 24 and is based upon this Motion, the Memorandum in Support of Motion, the Declaration of Barbara E.

Savitt, the Declaration of Michael C. Carroll the Proposed Answer attached hereto pursuant to FRCP Rule 24(c), Exhibits A-E 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