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TRUCKING AND SERVICES and
HIKIOLA COOPERATIVE

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

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

Plaintiffs,

vs.

COUNTY OF MAUI,

Defendant.

CV 14-00511-BMK

**STIPULATION REGARDING
COUNTY OF MAUI ORDINANCE
AND ORDER**

**STIPULATION REGARDING
COUNTY OF MAUI ORDINANCE AND ORDER**

IT IS HEREBY STIPULATED by and among Plaintiffs and Defendant County of Maui, through their undersigned attorneys, pursuant to FRCP Rule 65, based on Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction filed November 14, 2014 (“Motion”), and the Court’s Order filed

November 14, 2014 (“Order”), that:

1. In a complaint for declaratory and injunctive relief filed November 13, 2014, Plaintiffs challenge the legality of the County of Maui ordinance approved by ballot initiative on November 4, 2014, entitled “A Bill Placing a Moratorium on The Cultivation of Genetically Modified Organisms” (“Ordinance”);

2. Pursuant to the Maui County Charter, the Ordinance becomes effective only upon certification of the initiative election results by the County, which may occur as early as twenty days after the November 4, 2014, general election;

3. Plaintiffs served and gave notice to Defendant of the Motion on November 13, 2014;

4. Plaintiffs allege in the Motion that irreparable harm will occur if the Ordinance regarding genetically engineered crops becomes effective and enforced by the County;

5. In order to maintain the status quo and avoid any irreparable harm that may occur upon the enactment of the Ordinance, to allow the parties sufficient time to brief the merits of a summary disposition of this action before this Court, and to give the Court adequate time to decide the matter, the parties have

agreed to an extension of the effective date of the Ordinance by stipulation and proposed order; and

6. On November 14, 2014, the Court issued the Order that entered an injunction prohibiting the enactment and enforcement of the Ordinance until such time as the Court may review and consider the parties' stipulation and proposed order, but no later than December 5, 2014, unless further ordered by the Court;

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE that the Court's injunction shall continue as follows:

Defendant County of Maui shall be and is hereby enjoined from publishing or certifying the Ordinance, enacting, effecting, implementing, executing, applying, enforcing, or otherwise acting upon the Ordinance, and the Ordinance shall not be published, certified as an Ordinance, enacted, effected, implemented, executed, applied, enforced, or otherwise acted upon until March 31, 2015, or until further order of this Court, in order to allow for adequate time for the parties to brief and argue and for the Court to rule on the legality of the Ordinance as a matter of law. The parties agree that the posting of bond is not required.

The parties further agree that this Stipulation may be signed in counterparts.

DATED: November __, 2014.

/s/ Margery S. Bronster
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/s/ Kenneth S. Robbins
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TRUCKING AND SERVICES and
HIKIOLA COOPERATIVE

/s/ Moana Lutey, for Patrick Wong
PATRICK WONG
Attorney for Defendant
COUNTY OF MAUI

APPROVED AND SO ORDERED:

DATED: Honolulu, Hawaii, November 17, 2014.



/S/ Barry M. Kurren
Barry M. Kurren
United States Magistrate Judge

Robert Ito Farm, Inc., et al. v. County of Maui; Civil No. CV-14-00511-BMK; STIPULATION REGARDING COUNTY OF MAUI ORDINANCE AND ORDER