

A Brief SHAKA Timeline

November 4, 2014



A citizen's ballot initiative was approved calling for a moratorium on the production of genetically engineered organisms in Maui County until independent safety and environmental impact studies are undertaken and completed.

November 5, 2014

SHAKA filed its first action in court. The industry opponents filed their own complaint in Federal District Court, asking the same federal magistrate judge, who had invalidated local ordinances on two the other islands to invalidate Maui County's election result as well.



November 9, 2014



Joined by the same public officials who had campaigned against the measure in the election, the judge agreed together to a "stipulated order" PROHIBITING the county from certifying the election result and implementing the ordinance (as mandated by State Law).

December 15, 2014

An order was issued granting the SHAKA movement to enter as full parties in the litigation, where their own recognized interests would be defended by their own lawyers.



February 24, 2015



Date set for a hearing to be held on March 10 at the Federal District Court in Honolulu on the motion asking the court to dismiss the case of the Biotech Industry vs. Maui County, based on a variety of legal and evidentiary arguments.

March 9, 2015

Just hours before the court hearing that had been scheduled on December 16, Judge Mollway issued a continuance (postponement) until March 31. Her reasoning was that there were two bills before the State legislature that would nullify the ordinance at issue in this case.



March 13, 2015



SHAKA's lawyers filed a brief explaining the "balance of harms" alleged by the industry compared with the harms being inflicted upon our environment and island communities.

March 19, 2015

Judge Mollway extended an injunction prohibiting the certifying of last November's general election result, and the implementation of the Moratorium approved by the Maui Voters until June 15. In reaching her decision Judge Mollway determined that the potential harm to the industry (of lost profits) was greater than the potential harm to the environment and the health of the people of Maui.



April 7, 2015



On April 2nd SHAKA filed its notice of Appeal to the 9th Circuit Court. The Appeals Court accepted the filing and issued its order for expedited briefing. On April 7, the appeal was filed.

April 30, 2015

SHAKA's lawyers submitted our appeal of Federal District Court Judge Susan Mollway's decision to extend the moratorium.



June 8, 2015



SHAKA, through its lawyers filed a lawsuit against the public officials of Maui County for their failure to certify the results of the election.

June 11, 2015

SHAKA completed the filing of its appeal (preliminary injunction) with the 9th Circuit Court. The appeal asserts that the court order prohibiting the certification of the election results, and the implementation of the ordinance approved by the Maui County voters, was made in clear error, and a serious abuse of judicial discretion.



June 15, 2015



Federal District Court Judge Susan Mollway held the hearing she had previously, twice postponed, on the central motions pending in the case. The fact that there was no real controversy that ever existed between the County's representatives and the Industry was evidenced by the 11 lawyers representing their shared interests, seated at the same table together.

June 30, 2015

Chief District Court Judge Susan Mollway published her decision invalidating the results of last November's election and (for now) giving the industry a free pass to continue its harms against the environment and the people of Maui County.



August 31, 2015



Two motions were filed with the court of appeals related to our case. SHAKA's asking for ALL the issues and separate decisions on appeal be consolidated for the court's review. The industry's asking the court to dismiss the appeal already filed and accepted.

December 1, 2015

SHAKA filed its initial appeal brief with the Federal 9th Circuit Court of Appeals in San Francisco, California, seeking the correction and reversal of the decision made by District Court Judge Susan Mollway, invalidating the results of last November's general election.



February 5, 2016



The 9th Circuit Court of Appeals on Thursday issued its order DENYING the motion filed by the chemical industry (and unopposed by the Maui County Public Officials) attempting to dismiss the SHAKA movement's appeal. The 9th Court also GRANTED a motion submitted by the Center for Food Safety (CFS) to file an additional brief as Amicus (or Friend of The Court).