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IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

RICHARD PARTAL II, KRISTINE MARIE
PARTAL, AND ELLEN PARTAL

Plaintiffs,

v.

DAVID Y. IGE, in his official capacity as
Governor of the State of Hawaii; STATE OF
HAWAII; MAYOR HARRY KIM, in his
official capacity as the Mayor of Hawaii
County; and John and/or Jane Does 1-10, in
either official or individual capacities

Defendants.

CIVIL NO. 3CCV-20-0000277
Other Civil Action

**PLAINTIFFS' CROSS-MOTION FOR
PARTIAL SUMMARY JUDGMENT
DECLARING THAT ON MAY 3, 2020
GOVERNOR IGE'S EMERGENCY
POWERS HAD ALREADY
AUTOMATICALLY TERMINATED
PURSUANT TO HAW. REV. STAT.
CHAPTER 127A; MEMORANDUM IN
SUPPORT OF MOTION; DECLARATION
OF RICHARD PARTAL II;
DECLARATION OF ELLEN PARTAL;
DECLARATION OF JAMES
HOCHBERG; EXHIBITS 1 -16; NOTICE
OF HEARING; CERTIFICATE OF
SERVICE**

Judge: Hon. Wendy DeWeese

Hearing:

Date: September 1, 2020

Time: 9:00 a.m.

No Trial Date

**PLAINTIFFS' CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT
DECLARING THAT ON MAY 3, 2020 GOVERNOR IGE'S EMERGENCY POWERS
HAD ALREADY AUTOMATICALLY TERMINATED PURSUANT TO HAW. REV.
STAT.CHAPTER 127A**

Plaintiffs Richard Partal II, Kristine Marie Partal, and Ellen Partal, through their undersigned counsel, move this Honorable Court for an Order granting summary judgment pursuant to HRCP, Rule 56, declaring that there are no genuine issues of material fact and that as a matter of law on May 3, 2020 Governor Ige's emergency COVID powers had already automatically terminated pursuant to HRS Chapter 127A and that the citations issued to Plaintiffs in July, 2020 for violating those terminated emergency orders are null and void ab initio.

Plaintiffs seek an order granting summary judgment against Defendant David Ige, in his official capacity as Governor of Hawaii, and against Defendant Harry Kim, in his official capacity as the Mayor of Hawaii County, declaring that the lawful exercise of Chapter 127A emergency powers related to COVID-19 automatically terminated May 3, 2020. Plaintiffs seek an order granting a permanent injunction against the enforcement of the orders from and after May 3, 2020. Plaintiffs desire that as a result of the granting of the relief requested that Defendants cease all exercise of emergency COVID-19 powers and properly return to the legislature the law-making authority under the Hawaii Constitution.

This motion is supported by the Memorandum in Support, Declarations, and Exhibits attached hereto and the records and files in this case.

Date: August 14, 2020

Respectfully submitted,
By: */s/ James Hochberg*
JAMES HOCHBERG, AAL, LLLC
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• *pro hac vice*