

MARK J. BENNETT 2672
Attorney General of Hawai'i

ROBYN B. CHUN 3661
CHARLEEN M.AINA 1899
Deputy Attorneys General
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813
Tel. (808) 586-0618
Fax (808) 586-1372
E-Mail: Robyn.B.Chun@hawaii.gov
Charleen.M.Aina@hawaii.gov

Attorneys for Defendants
Paul Kuramoto, Steven Olbrich,
Gino Gabrio, Dean Robb, and
Michael Weaver, in their official
Capacities as members of the
Campaign Spending Commission

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Jimmy Yamada, et al.,

Plaintiffs,

vs.

Paul Kuramoto, in his official
capacity as chair and member of
the Hawaii Campaign Spending
Commission, et al.,

Defendants.

CIVIL NO. CV10-00497 JMS/LEK

DEFENDANTS' MOTION TO STAY
ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS'
AMENDED MOTION FOR
PRELIMINARY INJUNCTION (ONLY
AS TO ACT 211 § 11-KK)
PENDING APPEAL; MEMORANDUM IN
SUPPORT; DECLARATION OF
BARBARA U. WONG; CERTIFICATE
OF SERVICE

Hearing Date: _____

Hearing Time: _____

Hearing Judge: The Honorable
J. Michael Seabright

DEFENDANTS' MOTION TO STAY ORDER GRANTING
IN PART AND DENYING IN PART PLAINTIFFS'
AMENDED MOTION FOR PRELIMINARY INJUNCTION
(ONLY AS TO ACT 211 § 11-KK) PENDING APPEAL

Defendants Paul Kuramoto, Steven Olbrich, Gino Gabrio, Dean Robb, and Michael Weaver, in their official capacities as members of the State of Hawaii Campaign Spending Commission, through the Attorney General for the State of Hawaii and his undersigned deputies, move this Honorable Court to stay the Order Granting in Part and Denying in Part Plaintiffs' Amended Motion for Preliminary Injunction (only as to Act 211 § 11-KK) until the Ninth Circuit Court of Appeals disposes of the appeal from the Order Defendants filed on October 8, 2010, or alternatively, to stay the Order to permit Defendants to make a motion to stay that Order under Fed. R. App. Proc. 8, and Circuit Rule 27-2.

The motion should be granted on the grounds that:

(a) An injunction entered on the eve of the general election will likely cause irreparable harm and is not in the public interest;


(b) Plaintiffs' unexplained decision to wait until the last moment prior to the 2010 elections to file their complaint does not tip the balance of equities in their favor; and

(c) It is probable that on appeal, Plaintiffs Yamada and Stewart will not prevail on the merits of their claim.

This motion is brought pursuant to Rule 62(a) and (c), Fed. R. Civ. P., and is based on the memorandum, declaration and exhibit attached hereto, the records and files herein and such further argument as may be made at the hearing on this motion.

DATED: Honolulu, Hawaii, October 11, 2010.

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Attorney General



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