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Attorneys for Plaintiff Public First Law Center

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

PUBLIC FIRST LAW CENTER,

Plaintiff,

vs.

DEFENDER COUNCIL; JON N.
IKENAGA; and AGRIBUSINESS
DEVELOPMENT CORPORATION
BOARD OF DIRECTORS,

Defendants.

CIVIL NO. 1CCV-24-0000050 (JJK)
(Other Civil Action)

ORDER GRANTING PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT ON COUNTS I - VIII

JUDGE: Honorable Jordon J. Kimura

TRIAL DATE: September 22, 2025

HEARING MOTION

HEARING DATE: May 9, 2025

HEARING TIME: 10:30 a.m.

**ORDER GRANTING PLAINTIFF'S MOTION FOR PARTIAL SUMMARY
JUDGMENT ON COUNTS I - VIII**

Plaintiff's Motion for Partial Summary Judgment on Counts I - VIII, filed March 25, 2025, was heard on May 9, 2025, at 10:30 a.m. before the Honorable Jordon J. Kimura, Judge of the above-entitled Court. Benjamin M. Creps and R. Brian Black appeared for Plaintiff. David N. Matsumiya appeared for Defendants Defender Council (Council), Jon N. Ikenaga, and Agribusiness Development Corporation Board of Directors (collectively, Defendants).

*****COUNSEL, PLEASE NOTE CHANGES *****

After having considered Plaintiff's motion and reply memorandum, Defendants' opposition, the declarations and exhibits submitted and the authorities cited by both parties, the pleadings and other records in this case, and argument of counsel, it is hereby ORDERED, ADJUDGED, AND DECREED that the declaratory relief sought by the motion is GRANTED in favor of Plaintiff as to Counts I and III-VIII, for the reasons stated by the Court on the record, as follows:

- A. The Council amended the June 16, 2023 agenda, in violation of HRS §§ 92-7 (Count I); /s/ JJK
- B. The Council exceeded the permissible scope of the executive session held on August 4, 2023, in violation of HRS §§ 92-3, -4, and -5 (Count III);
- C. The Council exceeded the permissible scope of the executive session held on October 4, 2023, in violation of HRS §§ 92-3, -4, and -5 (Count IV);
- D. The Council exceeded the permissible scope of the executive session held on November 2, 2023, in violation of HRS §§ 92-3, -4, and -5 (Count V);
- E. The Council failed to record legally sufficient regular session minutes for the meeting held on ~~August~~ **October** 4, 2023, in violation of HRS § 92-9 (Count VI); /s/ JJK
- F. The Council failed to record legally sufficient executive session minutes for the meetings held on October 4 and November 2, 2023, in violation of HRS § 92-9 (Count VII); and
- G. The Council failed to take public testimony on its amended agenda on June 16, **2023**, and limited public testimony to the beginning of the meetings held on June 16, August 4, October 4, and November 2, 2023, in violation of HRS § 92-3 (Count VIII). /s/ JJK

DATED: Honolulu, Hawai'i, May 20, 2025.

/s/ **Jordon J. Kimura**
Judge of the Above-Entitled Court



APPROVED AS TO FORM:

[DECLINED]

AMANDA WESTON
DAVID N. MATSUMIYA
Attorneys for Defendants