



DEPARTMENT OF THE ATTORNEY GENERAL

DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
ATTORNEY GENERAL

For Immediate Release
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9th CIRCUIT COURT CLARIFIES ORDER REGARDING MAUI HOSPITALS

HONOLULU – The Ninth Circuit Court of Appeals issued an order today responding to an emergency motion on May 20, 2016 by Attorney General Doug Chin on behalf of Governor David Ige asking the Court to modify an order it issued on May 17, 2016. The Ninth Circuit had temporarily stopped activities related to transitioning service delivery at Maui Memorial Medical Center, Kula Hospital & Clinic, and Lanai Community Hospital from the State to a new Kaiser entity.

Noting that the emergency motion was unopposed, the Ninth Circuit said:

(1) Nothing in the Injunction shall be construed to prohibit: (a) Taking any steps to provide that the Maui Region has adequate physician coverage necessary to insure patient safety; (b) Responding to any requests for clarification or additional information from any federal government agency regarding HHSC's pending applications regarding "change of ownership" from the State to Kaiser. (2) The date for the filing of the parties' Joint Status Report is advanced from June 30, to June 15, 2016. (3) Except as otherwise expressly set forth in this order, the terms of the Injunction shall remain in effect, as set forth in the court's Order of May 17, 2016. Further review and consideration of the Governor's emergency motion are deferred pending the filing of the parties' Joint Status Report.

Attorney General Chin said, "Governor Ige's top priority is protecting patients in the Maui hospitals. We are pleased that the Ninth Circuit clarified that nothing in its May 17th order prevents us from taking steps to provide adequate physician coverage and ensure patient safety. We will keep working with the hospitals, unions, Kaiser and other stakeholders to protect patient safety."

A copy of the Order is attached.

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For more information, contact:

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UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED PUBLIC WORKERS,
AMERICAN FEDERATION OF STATE,
COUNTY, MUNICIPAL EMPLOYEES,
LOCAL 646, AFL-CIO,

Plaintiff - Appellant,

v.

DAVID Y. IGE, in his capacity as
Governor of the State of Hawaii,

Defendant - Appellee.

No. 16-15219

DC No. 1:15 cv-0303 HG
D Hawaii

ORDER

Before: TASHIMA, SILVERMAN, and GRABER, Circuit Judges.

Pending before the court is Governor Ige's emergency motion to, at a minimum, narrow the injunction issued by this court on May 17, 2016 (the "Injunction"). The motion is unopposed.

Upon due consideration, **IT IS ORDERED:**

1. Nothing in the Injunction shall be construed to prohibit:
 - (a) Taking any steps to provide that the Maui Region has adequate physician coverage necessary to insure patient safety.

(b) Responding to any requests for clarification or additional information from any federal government agency regarding HHSC's pending applications regarding "change of ownership" from the State to Kaiser.

2. The date for the filing of the parties' Joint Status Report is advanced from June 30, to June 15, 2016.

3. Except as otherwise expressly set forth in this order, the terms of the Injunction shall remain in effect, as set forth in the court's Order of May 17, 2016. Further review and consideration of the Governor's emergency motion are deferred pending the filing of the parties' Joint Status Report.