



**DEPARTMENT OF THE ATTORNEY GENERAL**

**DAVID Y. IGE**  
GOVERNOR

**DOUGLAS S. CHIN**  
ATTORNEY GENERAL

For Immediate Release  
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News Release 2016-55

**NINTH CIRCUIT COURT OF APPEALS DISSOLVES UPW INJUNCTION;  
MAUI HOSPITALS TRANSITION MAY PROCEED**

HONOLULU – Attorney General Doug Chin announced that the 9th Circuit Court of Appeals today issued an order dissolving an injunction that had temporarily barred certain transition activities relating to Maui Memorial Medical Center, Kula Hospital and Lanai Community Hospital. Based upon a settlement agreement reached on August 13, 2016 between Governor and the United Public Workers union and a joint request from both parties, the Court dismissed the underlying appeal brought by UPW as moot.

**Attorney General Chin** said, "During oral arguments before the 9th Circuit, the judges made clear to both UPW and the State that it preferred seeing the parties settle instead of the court making an all or nothing decision. Reaching compromise is not always easy. I thank Governor Ige and the union leadership for finding a forward path."

In 2015, the Hawaii state legislature passed a law ending the Hawaii Health System Corporation's delivery of health care services at the three Maui region facilities and transferring service delivery to a private operator. UPW had sued to stop the transition from taking place. Today's order means that all transition activities between the State and a new Kaiser entity, Maui Health System, may resume at the three Maui region facilities.

A copy of the Order is attached.

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**FILED**

**NOT FOR PUBLICATION**

AUG 19 2016

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.

Pursuant to the Parties' Emergency Motion, and the District Court, on limited remand, on August 17, 2016, having entered its Consent Decree, as stipulated to by the parties,

**IT IS ORDERED:**

1. The injunction pending appeal, issued May 17, 2016, as subsequently modified, is hereby **DISSOLVED**.

2. This appeal is **DISMISSED** as moot. No costs.

The copy of this order constitutes the mandate.