



DEPARTMENT OF THE ATTORNEY GENERAL

DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
ATTORNEY GENERAL

For Immediate Release
February 7, 2017

News Release 2017-14

**HAWAII CASE STAYED SO LONG AS NATIONWIDE ORDER
BLOCKING PRESIDENT'S IMMIGRATION BAN REMAINS IN PLACE**

HONOLULU – Attorney General Doug Chin announced today that a Hawaii federal judge has stayed the lawsuit filed by the State of Hawaii – challenging a travel ban imposed by President Donald Trump – so long as a nationwide injunction against the President's Executive Order remains in place, or until further order of the court.

Attorney General Chin said, "A federal judge in Seattle halted implementation of this unconstitutional and illegal Executive Order banning travel by persons based strictly upon their nation of origin and religion. As of right now this applies to all jurisdictions, including our state. If the situation ever changes, our own federal judge retains the option to reschedule Hawaii's hearing."

Last Friday, the State of Hawaii asked the court to block implementation of the January 27, 2017 Executive Order signed by President Trump entitled "Protecting the Nation From Foreign Terrorist Entry Into the United States." The Executive Order restricts immigration from seven Muslim-majority countries: Iraq, Iran, Syria, Somalia, Sudan, Libya, and Yemen. It suspends all refugee admission for 120 days and bars all Syrian refugees indefinitely. It grants entry preferences to minority religions. Hawaii's lawsuit alleged that the Executive Order violates the establishment clause of the First Amendment, denies equal protection of the law, and violates due process rights and other federal statutes.

After Hawaii filed its lawsuit, Hawaii federal district judge Derrick K. Watson scheduled a hearing on a temporary restraining order for Wednesday, February 8. On the same day Hawaii filed its lawsuit, Seattle federal district judge James L. Robart issued an injunction against the Executive Order that applied nationwide in Washington v. Trump, 2:17-cv-141 (W.D. Wash.). The federal government appealed the Washington injunction over the weekend to the Ninth Circuit Court of Appeals. Today's order from Judge Watson stays the Hawaii lawsuit so long as the Washington nationwide injunction remains in place.

Department of the Attorney General

News Release 2017-14

Page 2

Attorney General Chin added, “Hawaii is part of the same appellate circuit as the state of Washington, which is the Ninth Circuit. We submitted our own legal arguments in this case to the Ninth Circuit in an amicus brief which they accepted. A ruling from the Ninth Circuit would apply to both states. If, however, for any reason the Ninth Circuit comes down with a decision that does not address Hawaii’s concerns – such as those related to our unique status as an island state – then Judge Watson still has the option to reschedule Hawaii’s hearing.”

A copy of Judge Watson’s docket entry from today is attached.

#

For more information, contact:

Joshua A. Wisch

Special Assistant to the Attorney General

Phone: (808) 586-1284

Email: joshua.A.Wisch@hawaii.gov

Web: <http://ag.hawaii.gov>

Twitter: @ATGHlGov

STAYED

**U.S. District Court
District of Hawaii (Hawaii)
CIVIL DOCKET FOR CASE #: 1:17-cv-00050-DKW-KJM**

State of Hawaii v. Trump
Assigned to: JUDGE DERRICK K. WATSON
Referred to: Magistrate Judge KENNETH J. MANSFIELD
Cause: 28:1331 Fed. Question: Violation 5th & 8th
Amendment

Date Filed: 02/03/2017
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

State of Hawaii

represented by **Clyde J. Wadsworth**
Office of the Attorney General-Hawaii
Tax Division
425 Queen St
Honolulu, HI 96813
(808) 524-1800
Email: clyde.j.wadsworth@hawaii.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Deirdre Marie-Iha
Hawaii Disability Rights Center
1132 Bishop St., Ste 2102
Honolulu, HI 96813
586-1292
Fax: 586-1239
Email: deirdre.marie-iha@hawaii.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Donna H. Kalama
State of Hawaii
Major Litigation Unit
425 Queen Street
Honolulu, HI 96813
587-2995
Fax: 587-2999
Email: Donna.H.Kalama@hawaii.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Douglas S.G. Chin
Attorney General of Hawaii
Dept of the Attorney General, State of

HI
425 Queen Street
Honolulu, HI 96813
586-1282
Email: hawaiiig@hawaii.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Hagerty
Hogan Lovells US LLP
555 Thirteenth Street NW
Washington, DC 20004
(202) 637-2321
Fax: (202) 637-5910
Email:
elizabeth.hagerty@hoganlovells.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kimberly T. Guidry
Office of the Attorney General-Hawaii
425 Queen St
Honolulu, HI 96813
586-1360
Email: kimberly.t.guidry@hawaii.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Neal Katyal
Hogan Lovells US LLP
555 Thirteenth Street NW
Washington, DC 20004
(202) 637-5528
Fax: (202) 637-5910
Email: neal.katyal@hoganlovells.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Robert T. Nakatsuji
Hawaii Disability Rights Center
1132 Bishop St., Ste 2102
Honolulu, HI 96813
(808) 536-1360
Fax: (808) 586-1237
Email: robert.t.nakatsuji@hawaii.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Donald J. Trump

*in his official capacity as President of
the United States*

represented by **Edric Ming-Kai Ching**
Office of the United States Attorney
Prince Kuhio Federal Building
300 Ala Moana Blvd Ste 6100
Honolulu, HI 96850
541-2850
Email: edric.ching@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Florence T. Nakakuni

Office of the United States Attorney
Prince Kuhio Federal Building
300 Ala Moana Blvd Ste 6100
Honolulu, HI 96850
541-2850
Email: florence.nakakuni@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle R. Bennett

U.S. Department of Justice
Civil Division-Federal Programs
Branch
20 Massachusetts Ave., NW
Washington, DC 20001
(202) 305-8902
Fax: (202) 616-8470
Email: michelle.bennett@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

**U.S. Department of Homeland
Security**

represented by **Edric Ming-Kai Ching**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle R. Bennett

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John F. Kelly

in his official capacity as Secretary of

represented by **Edric Ming-Kai Ching**
(See above for address)
LEAD ATTORNEY

the U.S. Department of Homeland Security

ATTORNEY TO BE NOTICED

Michelle R. Bennett
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

U.S. Department of State

represented by **Edric Ming-Kai Ching**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle R. Bennett
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Rex Tillerson
in his official capacity as Acting Secretary of State

represented by **Edric Ming-Kai Ching**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle R. Bennett
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

United States of America

represented by **Edric Ming-Kai Ching**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle R. Bennett
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/07/2017	27	EO: Defendants' Emergency Motion to Stay All Deadlines Pending Resolution of Appellate Proceedings Regarding Nationwide Injunction is hereby GRANTED IN PART. Dkt. No. 23 . All pending deadlines and the hearing set for February 8, 2017 are VACATED. The matter is stayed as long as the February 3, 2017 injunction entered in Washington v. Trump, 2:17-cv-141 (W.D. Wash.), remains in place, or until further order of this Court. All further relief requested by the Emergency Motion is DENIED. A written order setting forth the Court's reasoning will follow. IT IS SO ORDERED. (JUDGE DERRICK K. WATSON)(watson1) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p>

		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry Modified to create link to motion on 2/7/2017 (ecs,). (Entered: 02/07/2017)
02/07/2017	28	NOTICE of Appearance by Edric Ming-Kai Ching on behalf of John F. Kelly, Rex Tillerson, Donald J. Trump, U.S. Department of Homeland Security, U.S. Department of State, United States of America on behalf of John F. Kelly, Rex Tillerson, Donald J. Trump, U.S. Department of Homeland Security, U.S. Department of State, United States of America. (Ching, Edric) (Entered: 02/07/2017)