

DEPARTMENT OF THE ATTORNEY GENERAL

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For Immediate Release July 20, 2017

News Release 2017-94

CIBER LAWSUIT TO REMAIN IN HAWAII

HONOLULU – A federal bankruptcy court ordered yesterday that *Ciber, Inc. v. Hawaii* will be heard in Hawaii state court, despite mainland-based Ciber's attempts to move Hawaii's claims to Delaware. The case began in September 2015 when Ciber sued the Hawaii Department of Transportation (HDOT) regarding a project to implement new software for the HDOT's Highway Division. Hawaii counterclaimed, alleging that the consulting firm defrauded the State, staffed the project with incompetent consultants, and engaged in other misconduct on the project. Hawaii alleged that Ciber pulled a "bait and switch" by misrepresenting its capabilities to win a contract with HDOT, and that the fraud continued once Ciber had the contract.

First Deputy Attorney General Russell Suzuki said, "Keeping the case in Hawaii is a victory for the state and for common sense. The witnesses are here and the fraud occurred here. Litigating in Delaware would have been illogical and only served to disadvantage the State."

This is the latest court loss for Ciber. In February 2016, the state circuit court rejected Ciber's attempts to dismiss many of HDOT's claims. If Ciber had succeeded in its attempts to transfer the case to Delaware, Hawaii would have been forced to litigate in court thousands of miles away at great expense. With yesterday's order, while Ciber's bankruptcy will remain in federal court, Hawaii's underlying fraud claims against Ciber will be tried in Hawaii state circuit court.

A copy of the order is attached.

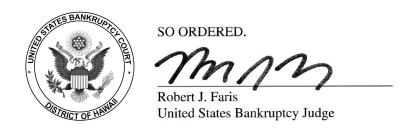
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IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF HAWAI'I

IN RE:

CIBER, INC., et al.

CIBER, INC., a Delaware Corporation,

Plaintiff,

V.

STATE OF HAWAI'I, DEPARTMENT OF TRANSPORTATION; JOHN DOES 1–10; JANE DOES 1–10; DOE CORPORATIONS 1–10; and DOE ENTITIES 1–10,

Defendants.

Bankruptcy Case No. 17-10772 (BLS) (United States Bankruptcy Court for the District of Delaware)

Adv. Proc. No. 17-90010 (RJF)

RJF

[PROPOSED] ORDER GRANTING STATE OF HAWAI'I, DEPARTMENT OF TRANSPORTATION'S MOTION FOR AN ORDER REMANDING THIS ACTION TO STATE COURT, AND DENYING CIBER, INC.'S MOTION TO TRANSFER

Removed from the Circuit Court for the First Circuit of the State of Hawai'i Case No. 15-1-1881-09

Hearing: July 14, 2017 at 10:00 a.m.

Related Docket Nos.: 6, 24, 27, 33, 34 & 35

[PROPOSED] ORDER

RJF

Upon (i) Defendant and Counterclaimant State of Hawai'i, Department Of Transportation's ("DOT") Motion for an Order Remanding this Action to State Court or Abstaining from Asserting Jurisdiction [Dkt. No. 24] (the "Remand Motion"), and (ii) Ciber

Inc.'s ("Ciber") Motion to Transfer [Dkt. No. 6] (the "Transfer Motion"); and the Court having

reviewed and considered the papers on both motions submitted by the parties and the arguments

of counsel at the hearing held on July 14, 2017 (the "Hearing"); and proper and adequate notice

of the motions and the hearing having been given and no further notice being necessary; and the

Court having determined that the relief granted herein is appropriate under the circumstances;

and good and sufficient cause having been shown; for the reasons stated on the record at the

Hearing, pursuant to Rule 7052 of the Federal Rules of Bankruptcy Procedure, it is hereby:

ORDERED that DOT's Remand Motion is **GRANTED**, and this case is hereby

remanded to the Circuit Court of the First Circuit of the State of Hawai'i; and it is further

ORDERED that Ciber's Transfer Motion is **DENIED**.

DATED: Honolulu, Hawai'i

END OF ORDER

Submitted by:

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