



DEPARTMENT OF THE ATTORNEY GENERAL
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**DEPARTMENT OF THE ATTORNEY GENERAL PREVAILS IN FEDERAL
CHALLENGE TO COVID-19 EMERGENCY PROCLAMATIONS**

FOR IMMEDIATE RELEASE

April 19, 2023

HONOLULU, HI – The U.S. District Court for the District of Hawai'i dismissed a federal constitutional challenge to COVID-19 emergency proclamations (EPs) issued by former Governor David Ige.

Gov. Ige issued the first EP concerning COVID-19 on March 4, 2020, and thereafter issued multiple supplemental EPs regarding the global pandemic's impact on Hawai'i. The last COVID-19 EP in Hawai'i expired on March 25, 2022.

The Plaintiffs—a non-profit corporation called “For Our Rights” and five residents of Kaua'i—sought monetary damages, claiming that Gov. Ige violated their due process rights under the Fourteenth Amendment to the U.S. Constitution by issuing the subject EPs without first making individualized health assessments, offering timely notice about the requirement to quarantine and the right to challenge it, and holding hearings.

U.S. District Court Judge Jill A. Otake rejected these arguments and dismissed the case, holding that the Fourteenth Amendment did not require that the EPs provide for individualized notice or hearings and that the quarantine requirement in the EPs did not constitute a “seizure” within the meaning of the Constitution.

“The COVID-19 Emergency Proclamations were lawful and addressed the unprecedented impact of a global pandemic on our islands,” says Deputy Attorney General Skyler Cruz, who served as lead counsel in the litigation. “We are grateful for the Court’s thoughtful and well-reasoned analysis.”

The case is *For Our Rights, Inc. v. Ige*, Civil No. 21-00488 JAO-KJM. A copy of the District Court's dispositive orders can be found [here](#) and [here](#).

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