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Attorneys for HOLLY T. SHIKADA,
 in her official capacity as Attorney General of Hawai'i

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

RONALD G. LIVINGSTON;
 MICHAEL J. BOTELLO; KITIYA M.
 SHIROMA; JACOB STEWART; and
 HAWAII RIFLE ASSOCIATION,

Plaintiffs,

v.

ARTHUR J. LOGAN, in his official
 capacity as Police Chief of the City &
 County of Honolulu; CITY &
 COUNTY OF HONOLULU; and
 HOLLY T. SHIKADA, in her official
 capacity as Attorney General of
 Hawai'i,

Defendants.

Civil No. 1:19-cv-00157-JMS-RT

**MOTION TO DISMISS;
 DECLARATION OF NICHOLAS M.
 MCLEAN; EXHIBIT "1";
 CERTIFICATE OF SERVICE**

District Judge:
 Hon. J. Michael Seabright

Magistrate Judge:
 Hon. Rom Trader

No Trial Date Set

MOTION TO DISMISS

Defendant HOLLY T. SHIKADA, in her official capacity as Attorney General for the State of Hawai‘i (the “**Attorney General**”), moves for dismissal pursuant to FRCP Rules 7(b), 12(b)(1), and 12(b)(6).

Plaintiffs’ action should be dismissed for three independent reasons.

First, the Eleventh Amendment bars Plaintiffs’ suit against the Attorney General. Any damages claims are barred by the Eleventh Amendment, and the Eleventh Amendment also bars Plaintiffs’ remaining claims against the Attorney General because the *Ex parte Young* exception does not apply.

Second, Plaintiffs have not alleged facts sufficient to establish Article III standing and ripeness for their claims against the Attorney General. With respect to firearms licensing under HRS § 134-9, the Attorney General has no role in granting or denying licenses. And to the extent that Plaintiffs seek to bring a pre-enforcement claim against the Attorney General based on the mere existence of criminal statutes such as HRS §§ 134-9(c), 134-25, and 134-26, any such claims fail because Plaintiffs’ allegations are insufficient to establish standing or ripeness.

Third, Plaintiffs’ claims against the Attorney General are moot.

This motion is made following the conference of counsel pursuant to LR7.8, which took place on October 3, 2022.

DATED: Honolulu, Hawai‘i, November 1, 2022.

HOLLY T. SHIKADA
Attorney General of the State of Hawai'i

/s/ Nicholas M. McLean

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Attorneys for Defendant HOLLY T. SHIKADA,
in her official capacity as the
Attorney General of the State of Hawai'i