



FOR IMMEDIATE RELEASE: November 14, 2017

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### **Half a Million \$ Awarded**

MAHA`ULEPU, Kauai, HI – The Federal District Court further validates Friends of Maha`ulepu’s (“FOM”) Clean Water Act (“CWA”) case against Defendants Hawaii Dairy Farms, LLC (“HDF”), a project of Pierre Omidyar’s Ulupono Initiative, LLC, and Grove Farm’s Mahaulepu Farm, LLC. In his 71 page Order, Judge Kenneth J. Mansfield, awarded more than ½ million dollars in attorney fees, expert fees and litigation costs, finding FOM the prevailing party; “the Court concludes that (A) Plaintiff is a prevailing party, and (B) an award is appropriate.” (Order, Pg. 10) In his ruling Judge Mansfield found “Defendants’ argument unpersuasive.” (Order, Pg. 14) He also found that FOM’s action and the Consent Judgment met the Ninth Circuit three part test in deciding that FOM was the prevailing party: “(1) judicial enforcement; (2) material alteration of the legal relationship between the parties; and (3) actual relief on the merits of the plaintiff’s claims.” (Order Pg. 10) In finding FOM the prevailing party, The Court found the Consent Judgment confirmed ongoing judicial enforcement, a material change in the parties’ relationship because one party is required “to do something it otherwise would not be required to do” (Order Pg. 11) and relief - construction activities were stopped.

In December, Judge Leslie E. Kobayashi found that “Defendants engaged in activities pre- and post-Complaint that required an NPDES permit.” Judge Kobayashi’s Order detailed significant unpermitted ground-disturbing activities over most of the 557 acre site. “This Order and Consent Decree require Defendants to implement Best Management Practices (BMPs) to control and prevent runoff from the areas that were illegally disturbed,” Bridget Hammerquist explained. In addition to the Courts award of fees and costs, HDF and its co-defendants were required to pay \$125,000 to fund a Supplemental Environmental Project (SEP), for stream bank restoration and endangered species protection. Judge Leslie E. Kobayashi entered the Consent Judgment May 31, 2017.

“We welcome the Award. FOM’s members made significant sacrifices to support our lawsuit. Despite public outcry, adverse rulings in both Federal and State Courts and a review causing them to withdraw their Environmental Impact Statement, FOM is at a loss to explain why Pierre Omidyar and his team maintain their continuing intent to develop a 2000 cow dairy. Maha`ulepu, its rich heritage, County drinking water wells, our ocean and beaches should never be compromised by massive amounts of untreated animal waste”, said Bridget Hammerquist.

The Court’s award recognizes that citizen groups may have to file such actions to protect their environment. Without reimbursement of attorney fees and costs, Congress recognized that citizen groups would not be able to protect their environment when developers fail to follow the law.