

DEPARTMENT OF HEALTH

STATE OF HAWAII

DEPARTMENT OF HEALTH, STATE OF
HAWAI'I,

Complainant,

vs.

UNITED STATES DEPARTMENT OF
THE NAVY,

Respondent.

Docket No. 21-UST-EA-02

ORDER REGARDING ASSOCIATION
OF COUNSEL

ORDER REGARDING ASSOCIATION OF COUNSEL

This order concerns the association of four attorneys to Hawai'i counsel pursuant to HAR § 11-1-32(b): with respect to the Navy, Jonathan C. McKay and Marnie E. Riddle; and with respect to BWS, Ella Foley Gannon and David K. Brown.

The Final Status/Pre-Hearing Conference was held on December 17, 2021 at 9:00 p.m. Counsel for parties Department of Health, State of Hawai'i ("DOH") and United States Department of the Navy ("Navy") were present. Also present were counsel for proposed intervenors Sierra Club and Honolulu Board of Water Supply ("BWS").

At the conference, Mr. McKay confirmed on the record that he is a member of the Massachusetts bar in good standing. Ms. Riddle confirmed on the record that she is a member of the California bar in good standing. Ms. Gannon confirmed on the record

that she is a member of the California bar in good standing. Mr. Brown confirmed on the record that he is a member of the California bar in good standing.

All four attorneys confirmed on the record that (1) they are not residents of the State of Hawai'i, (2) they are not regularly employed in the State of Hawai'i, and (3) they agree to be bound by the Hawai'i Rules of Professional Conduct with respect to this proceeding.

Mr. McKay and Ms. Riddle will associate with David Fitzpatrick of the Hawai'i bar. Ms. Gannon and Mr. Brown will associate with Deputy Corporation Counsel Jeff Lau.

Therefore, based upon the representations of counsel, and in the Hearings Officer's discretion, it is ordered as follows:

Jonathan C. McKay and Marnie E. Riddle shall be permitted to associate themselves with Mr. David FitzPatrick in the presentation of this contested-case hearing on behalf of the Navy pursuant to HAR § 11-1-32(b). This portion of the order shall apply retroactively to December 13, 2021.

Ella Foley Gannon and David K. Brown shall be permitted to associate themselves with Deputy Corporation Counsel Jeff Lau in the presentation of this contested-case hearing on behalf of BWS pursuant to HAR § 11-1-32(b). This portion of the order shall apply retroactively to December 14, 2021.

DATED: Honolulu, Hawai'i, December 17, 2021.

/s/ David D. Day
David D. Day
Hearings Officer