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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

ALOHA PREGNANCY CARE AND
COUNSELING CENTER, INC.,

Plaintiff,

v.

RUSSELL SUZUKI, Attorney General
of the State of Hawaii, in his official
capacity,

Defendant.

CIV. NO. 1:17-cv-343-DKW-KSC

PERMANENT INJUNCTION AND
FINAL JUDGMENT

ADDITIONAL COUNSEL

ABIGAIL A. SOUTHERLAND*

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[PROPOSED] PERMANENT INJUNCTION AND FINAL JUDGMENT

In light of the United States Supreme Court’s decision in *Nat’l Inst. of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361 (2018), and the parties’ Stipulation For Entry of Permanent Injunction and Final Judgment in Favor of Plaintiff, it is hereby **ORDERED**:

1. That judgment is entered in favor of Plaintiff on Count One of its Complaint, filed in this action on July 19, 2017 (Dkt. No. 1).

2. That Hawaii Revised Statutes § 321-561(b)-(c) is declared to be unconstitutional under the United States Constitution as-applied to Plaintiff with respect to Plaintiff’s First Amendment Free Speech Claim.

3. Defendants, their employees, agents, and successors in office, along with any person acting in concert with them, are permanently enjoined from enforcing Hawaii Revised Statutes § 321-561(b)-(c) as against Plaintiff.¹

4. The remaining claims in Plaintiff’s Complaint (*i.e.* Count Two, Count Three, and Count Four) are dismissed, without prejudice.

¹ Plaintiff brought this action seeking a permanent injunction with respect to Senate Bill 501, SD1 HD1 CD1, being Act 200 of the 2017 Hawaii legislature (“Act”). The Act was codified as HRS §§ 321-561 – 321-562. HRS § 321-561(a), (d)-(f) was unaffected by the United States Supreme Court’s decision in *Nat’l Inst. of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361 (2018).

5. Pursuant to Local Rule 54.3, the parties are directed to confer and attempt to reach an agreement as to Plaintiff's attorneys' fees and costs in this matter. If the parties are not able to reach an agreement as to attorneys' fees and costs, Plaintiff is directed to file a motion, consistent with Fed. R. Civ. P. 54 and LR 54.3, or to schedule a conference with the Magistrate Judge.

SO ORDERED.

DATED: September 14, 2018 at Honolulu, Hawai'i.



/s/ Derrick K. Watson
Derrick K. Watson
United States District Judge

Aloha Pregnancy Care and Counseling Center, Inc. v Russell Suzuki;
Civil No. 17-00343 DKW KSC; **PERMANENT INJUNCTION AND FINAL
JUDGMENT**