

NEIL ABERCROMBIE
GOVERNOR



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May 6, 2014

Office of the Clerk
P. O. Box 193939
San Francisco, California 94119-3939

RE: JACKSON etal v. ABERCROMBIE etal
Appeal Nos. 12-16995 and 12-16998

Dear Circuit Clerk:

The undersigned is a Deputy Attorney General of the State of Hawai'i. Attorney General David M. Louie and I represent Linda Rosen, the director of the Department of Health, State of Hawai'i.¹

Former Director Fuddy and now Director Rosen defended the lawsuit in the District Court and participated in this appeal to defend Hawai'i law as then extant.

Hawai'i law has changed. The Hawai'i legislature passed Senate Bill 1 (as amended) in its second 2013 special session. The Honorable Governor Neil Abercrombie signed the bill into law as Act 1, with an effective date of December 2, 2013. See Plaintiffs' Motion filed November 11, 2013, ECF 113. Act 1 extends full marriage equality to all persons without regard to gender.

This Court reserved its ruling as to whether the change in Hawai'i law makes this appeal moot. ECF 125. But regardless of this Court's eventual ruling, Act 1 resolves Director Rosen's issues in this matter.

¹ Dr. Rosen succeeded the late Loretta Fuddy as director and is automatically substituted as a party in this consolidated appeal.

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Pursuant to FRAP 31(c) and Circuit Rule 31-2.3, we therefore notify the Court and parties that Dr. Rosen will not file an answering brief or participate in oral argument (if any).

We, of course, stand ready to respond to any further order or request from the Court.

Very truly yours,

/s/ William J. Wynhoff
William J. Wynhoff
Deputy Attorney General

WJW/w