



October 3, 2019

*Via hand delivery*

The Honorable Scott S. Harris  
Clerk of Court  
Supreme Court of the United States  
One First Street, N.E.  
Washington, DC 20543

Re: No. 18-260, *County of Maui v. Hawai'i Wildlife Fund, et al.*

Dear Mr. Harris,

I am counsel of record for Respondents in *County of Maui v. Hawai'i Wildlife Fund, et al.*, Case No. 18-260, which is scheduled for argument on November 6, 2019. We write to apprise the Court of a development that may affect the case.

On September 20, 2019, the Maui County Council adopted a resolution approving settlement of the case. On September 25, 2019, the Chair of the Council directed the County's Corporation Counsel to execute a settlement agreement consistent with the Council's resolution and to file papers with this Court to resolve the case. A copy of the Council Chair's September 25, 2019 letter, which includes the Council's resolution authorizing settlement, is attached.

As noted on page 5 of the Council Chair's letter, the Corporation Counsel has raised questions whether the Council has the authority to settle the case. We have contacted Petitioner's counsel to ascertain how they intend to respond to the Council's direction and to discuss notifying the Court of these developments, but they have not provided a definitive response.

In light of the imminence of argument in this case and press reports about the Council's action, we felt that it was incumbent on us to notify the Court of these events. Thank you for your attention to this matter.

Regards,

David Lane Henkin  
Counsel of Record for Respondents

Attachment

cc: Elbert Lin, Counsel of Record for Petitioner