

# Law Offices of Alan Alexander Beck

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March 26, 2026

Ms. Molly C. Dwyer, Clerk  
U.S. Court of Appeals for the Ninth Circuit  
95 7<sup>th</sup> Street  
San Francisco, CA 94103

**Re: *Todd Yukutake et. al., v. Ann Lopez et. al.*, No. 21-16756**

Dear Ms. Dwyer:

During oral argument on March 24, 2026, counsel for Appellees stated the following:

“The Attorney General did not change the law here, the legislature changed the law, and these are different branches of government, we don’t control one another, and we are separate from one another. I cannot say what it was that prompted the legislature to make a change or whether there will ever be a change again.”<sup>1</sup>

Deputy Attorney General Amy Markami testified “on behalf of the department of the Attorney General” “who supports this bill”, to “address a recent federal court ruling in *Yukutake v. Connors* that invalidated two Hawaii statutes...”<sup>2</sup> This demonstrates that the Hawaii Attorney General expressly endorsed and lobbied for the amendment to Hawaii law.<sup>3</sup>

In other words, there is no question that the legislature was “prompted ... to make a change” by the Hawaii Attorney General’s endorsement of H.B. No. 2075 which is at odds with the position taken by the Hawaii Attorney General at oral argument.

Yours very truly,

/s/ Alan Beck  
Alan Beck

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<sup>1</sup> See [https://www.youtube.com/live/18j2pz6H\\_Fc?si=y28Dk12WF9KTMUvh&t=1812](https://www.youtube.com/live/18j2pz6H_Fc?si=y28Dk12WF9KTMUvh&t=1812) at 30:12.

<sup>2</sup> See <https://www.youtube.com/live/KMpT6JngXG8?si=j9cn7YGnkiS8MSg7&t=5301> at 1:28:21. (Testimony of Deputy Attorney General Amy Markami).

<sup>3</sup> The legislative history of H.B. No. 2075 is already before this Court because it was submitted to this Court by Hawaii in its Motion to Dismiss for Mootness. It references the district court’s decision in *Yukutake v. Connors* at least five separate times. See DktEntry 80 at 99, 100, 102, filed on May 4, 2023.

**CERTIFICATE OF SERVICE**

I served the foregoing by electronically filing it with the Court's CM/ECF system which generated a Notice of Filing and effects service upon counsel for all parties in the case. I certify that this document has 234 words as calculated by Microsoft Office 365.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 26<sup>th</sup> day of March 2026.

s/ Alan Beck