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July 11, 2016

VIA e-mail: [rma3cc@yahoo.com](mailto:rma3cc@yahoo.com)

Judge Riki May Amano (Ret.)  
c/o DPR Hawaii, Inc.  
1003 Bishop Street, Suite 1155  
Honolulu, HI 96813

RE: BLNR Contested Case Hearing Case HA-16-02  
Request for Continuance on Submissions and Next Hearing Date

Dear Judge Amano:

I am respectfully requesting a continuance of the July 18, 2016 submission date of dispositive motions for a period of two (2) weeks or until August 1, 2016. Two weeks from that date would be August 15, 2016 for a proposed responsive memoranda filing date, and the Friday, thereafter, would be August 19, 2016 for a hearing date, continued from the current August 5, 2016 hearing date. I would respectfully request that our next hearing date be set on all matters for on or about August 19, 2016 for the hearing on dispositive motions and for scheduling. In addition, since the University of Hawaii has the burden of proof in these proceedings, and like any trial in civil court, its witness list (as well as TMT and P.U.E.O., Inc. who are all aligned (and we do not waive the submission of further pleadings involving these current parties and our objections thereto)) with the University of Hawaii, should be due on the current date of July 18<sup>th</sup> and we would request that our witness list be due on the same August 1, 2016 continued filing date as the new proposed dispositive motions deadline. This will allow us a full and fair opportunity to include any additional responsive witnesses to the initial lists being disclosed by the UH and the related parties.

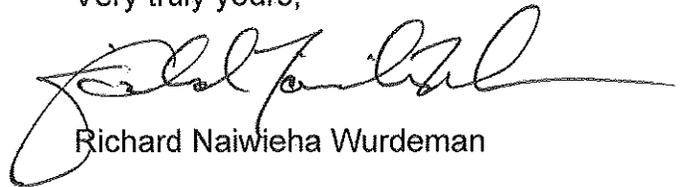
Please know that I sent formal requests, pursuant to the Uniform Information Practices Act (H.R.S. Chapter 92F) for information to the Department of the Attorney General's Office and the Chair of the BLNR in requests dated April 1, 2016. Almost 3 ½ months have gone by and I still do not have all of the documents requested. As you can see from Deputy Attorney General's Harvey Henderson's (he is handling the Chapter 92F requests) response to my latest follow up e-mail, a copy of which is attached hereto, he states that Mr. William Wynhoff has been very busy and another disclosure is pending and will be

Judge Riki May Amano (Ret.)  
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produced by the end of the week and that the BLNR (I also sent a supplemental request in May to the BLNR) is also still intending to send to me another disclosure pursuant to my Chapter 92F requests. As I indicated during the first scheduling conference before you in May, I am intending to file, among other pleadings, a motion to disqualify the Board's/Hearing Officer's counsel. I need a full opportunity to review disclosures of all Chapter 92F records, as part of my preparation of such a pleading, and the records have not been produced to date, at no fault of my clients or their counsel. My clients should not be deprived of a full and fair opportunity to fairly litigate in these proceedings and be deprived of due process of law, because of continued and inexcusable delays by the Department of the Attorney General and the Chair of the Board of Land and Natural Resources.

I thank you for your consideration of these matters and I respectfully request that this request be made a part of the record in the instant case.

Very truly yours,



Richard Naiwieha Wurdeman

Attachments

cc: All parties in the attached service list VIA e-mail  
(except for those w/o an e-mail address, who will  
served VIA U.S. Mail).

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

Contested Case Hearing Re Conservation  
District Use Application (CDUA) HA-3568  
for the Thirty Meter Telescope at the Mauna  
Kea Science Reserve, Ka'ohe Mauka,  
Hāmakua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02  
Document title:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by the means indicated:

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*Custodian of the Records  
(original + digital copy)*

Judge Riki May Amano (Ret.)  
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Anaina Hou, Clarence Kukauakahi  
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Ward, Paul K. Neves, and Kahea: The  
Environmental Alliance*

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Signature:

Name (Print):

Date:



Richard N. Wurdeman <rnwurdeman@rnwlaw.com>

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## Chapter 92F Requests

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Henderson, Jr., Harvey E

Mon, Jul 11, 2016 at

<harvey.e.hendersonjr@hawaii.gov>

1:18 PM

To: "Richard N. Wurdeman" <rnwurdeman@rnwlaw.com>

Cc: "Ikemoto, Derick Y" <Derick.Y.Ikemoto@hawaii.gov>

Mr. Wurdeman, One more production of documents will be coming your way to complete the request sent to the AGs. Bill Wynhoff has been very busy and we have not yet sent any thing from his personal files. That should be on its way to you by the end of the week.

There will also be more documents responsive to the requests to Case/BLNR/DLNR, although I am not sure of the timing. we appreciate your patience and hope you understand that retrieving these especially emails, takes time, especially for people who are pretty busy to start with.

Harvey Henderson

From: Richard N. Wurdeman <rnwurdeman@rnwlaw.com>

Sent: Friday, July 8, 2016 7:25 PM

Subject: Chapter 92F Requests

To: Henderson, Jr., Harvey E <harvey.e.hendersonjr@hawaii.gov>

Dear Mr. Henderson:

Thank you for sending the next set of records pursuant to our request. In looking at a Hawaii Tribune Herald article, dated July 10, 2015, there was reference to a June 29th email in which Bill Wynhoff indicated that he found "potentially a real home run." I do not seem to have that particular email. Please provide.

Please also let me know when the remainder of the emails and other records will be produced. It is making potential filings extremely difficult in the underlying case without a full disclosure.

Also, are there any more records that are going to be produced by DLNR/BLR/ Suzanne Case?

Thank you for your attention to these matters.

Sincerely,

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