



**KAMAHANA KEALOHA: MOTION DEMANDING REDRESS TO THE FACT  
THAT WE ARE BEING RUSHED, COERCED AND INTIMIDATED THROUGH  
THIS PROCESS BY THE HEARING'S OFFICER AND THROUGH SILENCE  
AND VERBAL PRODDING AS WELL AS THROUGH THE SILENCE AND  
LACK OF ACTION OF THE ATTORNEY GENERAL'S OFFICE**

Yes that's what I'm calling my motion having not been given any resources as to how to address this issue and I believe this is purposeful and facilitates only one outcome: the re-permitting of the TMT. I reserve the right to address all unformatted and out of process items in all of my motions and the right to make motions during the hearing and have my voice heard. THUS far we have been rushed, knowing we do not know the process, not given any resources or information. THERE WILL BE TYPOS AND THINGS THAT DON'T SEEM TO BELONG IN THIS VENUE BECAUSE THE HEARING'S OFFICER AND THE ATTORNEY GENERALS HAVE NOT PROVIDED US WITH DUE PROCESS, IN PARTICULAR I SPEAK FOR MYSELF. I am Kamahana Kealoha party to this hearing and I am submitting this response as a courtesy to the hearing's officer and in genuine good-will to the process as best as I can understand it with no resources, very little format, and basically no direction from the BLNR, Presiding Officer, the Attorney Generals or any of the representatives of this processes and I would like to state again as in prior attempts at engaging this interface and apparatus called a contested case hearing, I have made this apparent in pleading for guidance and direction as well as more time to properly and knowledgeably engage this process, and that this is

being done with my limited understanding to the disparaging and subjugating advantage of the professional lawyers opposing and manipulating a process that I am told I need no lawyer for.

One remedy is to implore the Attorney General and Deputy Attorney Generals step in and be responsible and serve due-diligence, and in effect constitutionally protected due process for all not just the BLNR, to insure that the process, forms, and all details would be made known or knowledge be accessible to the public in some way or form, yet it is not.

There are no form or examples, no guidance to what motions are appropriate and what motions aren't and when deadlines are given we find out things that were not clarified in the minute orders nor the hearing itself. One example was when Amano blatantly made it so new parties, myself included, who only started in this process and were expected to learn the process with no guidance or references or direction and were expected to have **all** motions in, including witnesses, and motions of support or objection, as well as their own motions in less than ONE months time. Again without any guidance to the process or direction to where to find information on how the process works. The DLNR/BLNR websites offers nothing but statutes and further more nothing regarding hearing forms for motions, or any other format. There is not instructional video, manual, assistant nor any type of resource for this so-called user-friendly process. As such presiding officer Amano, all from the Attorney General's office and every single person who represents this process has deprived myself and many others of due-process and blatantly benefited

one outcome for this process- the re-permitting of the TMT.

We were not given instruction on how to submit objections or motions, we were not given direction as to where to find any resources if they are available and when trying to get assistance from the presiding officer she either ignored us, or like myself on the first day (this is my third day in two months) was yelled at to comply when simply asking what her definition of “witness” was and why after 3 hours, most of that time sitting down and being told that we can’t say anything, instead of answering me she yelled at me with an intimidating voice and shouted that “YOU MUST COMPLY!” And then proceeded to not answer my genuine and much needed inquisition. Till this day I have not found a reasonable answer. Most other parties didn’t know and just blurted out numbers. I’m sure if the public filming of these hearings are really being done we will find that primarily intimidation on the June pre-hearing day, the first day most of us were here less than two months ago.

With no guidance or direction and nothing user-friendly to access, we were told that the immediate next date all motions were due.

We had no time to vet legal help if we have money, no direction or resource to learn from ourselves, and nothing, absolutely nothing in assistance nor user-friendly resource whatsoever. And although some of us submitted motions all were denied because the criteria and the formats were never given to us. The only criteria or guidance that was given to us was to facilitate this process without our knowledgeable engagement through

the provision of the witness list format and Certificate of Service. NOTHING in the form of motions, what a witness even was (even though I asked) nor not an inkling that motions to join, object, present concerns were all due absolutely less than one month after learning that we had to even learn a new process without an user-friendly assistance or resources. If these exist they were never made apparent to us and the Hearing's Officer, despite many pleas to clarify this process, continued to coerce us, knowing we were in need of resources to become more knowledgeable of this process, to more due dates- this one and the last and yet claiming to find no reason to give us time. In the meantime more intimidation was portrayed at the last meeting at the YMCA when the hearing's officer intimidated parties with silence, no answers, and didn't even acknowledge my address, nor uncle Hank's address and many others as we one by one addressed her at one point. The intimidation continued as pro-TMT parties are allowed, without any ethical stewardship from hearing's officer Amano or any of the Attorney General representatives present, to generalize all of our question's of jurisdiction as if they all had to do with the overthrow, Kingdom law, and international law when clearly our motions, mine out of format that was never given to me, were not questions of erroneous sovereignty claims but very specific claims that were invoked under American law also. The intimidation was clearly seen as the hearings officer prodded Maelani Lee to agree that her motion had something to do with anything other than a simple claim of meets and bounds. Meets and bounds is not only an Kingdom issue it is an issue under the law at hand and through the intimidation, silent and verbal, of hearing officer Amano Maelani was made to believe that she was no longer a party to the case. The so-called honorable officer of the hearing knowingly used her authority to give Maelani the impression that she was no longer

needing to come to the hearings anymore and in effect was coerced and prodded to recuse herself.

The film crew was filming the whole time and anyone in the last two meetings can speak towards their own experience as non-permit applicant, to this atmosphere of fear and intimidation through verbal silence and aggressive verbal prodding and demanding. To treat people this way who are trying to learn a so-called user friendly system and yet kept ignorant by the administrators and they push and pressure new individuals to make decisions and meet timelines in way that they were never shown how or given the resource to learn is absolutely NOT a user-friendly process.

For myself, the hearing's officer having not provided the format, or made known if she did, for motions and such postponed my motion after seeming to threaten to perhaps invalidate it based on the format I had not received although I had asked at the first meeting as much as I could until I was shouted at to comply, and my question ignored as to what this process defined as a witness, why I would need one, etc. etc. As such my witness list was submitted incomplete even though the hearing's officer acted like she did us a favor giving some of the format a few days before it was due and then having us resubmit in that format. There was no time for discovery afforded new parties. No time for us to make arrangements to find resources to learn. No resources about the process, ALL of the process given us. We were pretty much made to run and meet deadlines that were not clearly explained not were we given resources or direction as to where to find these pertinent answers to our ignorance of the process.

That alone is intimidating. On top of the fact that the hearing's officer sometimes uses silence and aggressive verbal coercion and prodding to basically create an atmosphere some parties are afraid to engage, ask questions or talk at all.

As the hearing's officer has seemed to agree with me when stating this is supposed to be a user-friendly process WHY were we not directed to the source of this user-friendly knowledge repository, a book, a video, or even just implore you to point their fingers in the direction I need to head or a website I need to go to. I want to state and clearly assert, without any misunderstanding from anyone here, that I am being coerced and being made to participate under clear duress of what I consider the disparagingly purposeful, blatant and unethical demeanor of the hearing administrators including the Attorney General's office and its deputies as well, standing by and doing nothing, as what I see as presiding officer Amano's intimidation of silence in clear demonstration and evidence of confusion from the majority of parties occurring.

I however speak specifically for myself. I object to this so-called user-friendly process, called a contested case hearing, and the illusion of the term "user-friendly for the public" and want to point out in this response that this fraudulent terminology precluded pro-bono legal assistance from certain entities that otherwise would have assisted in this obvious disadvantaging situation in this so-called user-friendly process I am told does not require a lawyer. This is absolutely not the case as resources are not made available and guidance of those that are required to uphold justice under the law of the government in

power, namely the law of the so-called State of Hawaii and the United States.

That being said much of what I will be communicating here is in direct address, as respectfully as possible, to the unprofessional and aggressively demeanor of this council or hearing administration including presiding officer Amano and the Attorney General's office, evidenced by its aggressive speeding up of the process, non-accommodating, outrageously sped-up schedule, no consultation for or consideration for future mandatory pre-hearing dates, no consideration with less than 7 days notice for flight prices, no consideration for work schedules nor the near 400 miles round-trip some vested and recognized parties, like myself, have to travel, and absolutely no resources or guidance from anyone in this process at any time since we've been frantically trying to engage according to this, in reality, extremely non-user friendly process. Scheduling is aggressively in favor of the parties here that have the most money as is the extortionate cost of transcripts. Nearly \$800 for one day is not user friendly for anyone but the party with 1.4 billion dollars behind them, how many of the public of Hawaii can afford even one transcript? The broken system is blatant and so is the injustice. We are not receiving the due process of resource to learn how to engage this very specific and highly intricate process and we are being dragged through it and are reprimanded for not somehow magically knowing everything. We are reprimanded by being shut out of engaging. Shut out of making motions during the hearing although I see a rule that seems to state we can make motions during the hearing. What is the justification of that? This hearing is a monstrosity and abomination of justice as the hearing's officer has silenced us at the very first meeting by cutting off submissions of motions before we even learned how to make



one. This is only my third pre-hearing and at the second all motions were shut down. No more were taken. At the first we were not allowed to speak at all as petitioners. What kind of fraud is this?

The Presiding Officer Amano claims to be accommodating no one in her rushed scheduling with complete disregard to everyone. For example she moved my motion to the following Friday with absolutely no time to rearrange my schedule and anyone who works, lives 200 miles away and is learning how to use a system that is said to be user friendly but has been given no direction other than that which facilitates the permitting process, I am going to put this process and administration on notice, you have greatly dis-served me and shame on you. Where is the due process when this is only my third prehearing, the second one EVERYTHING was due and NO GUIDANCE given to engage the process meaningfully except to facilitate the permitting of the applicant? I had NO TIME to learn NO TIME to ask questions, NO TIME to see examples, NO DIRECTION to the process, AND LESS THAN A WEEKS NOTICE TO FLY BACK OR LOSE THE ONLY MOTION I HAVE STANDING... NO TIME to make a proper motion NO TIME for discovery NO TIME to review the motions that were made before me with NO OPPURTUNITY to evaluate the prior nor the current motions and requests to either object nor support. And how would I know that having not learned the process? Well by now, the third pre-hearing upcoming I noticed those things but the first pre hearing we were told to remain silent the majority of the time and erroneously told to make motions. THIS IS A DISGUSTING PERVERSION OF MY CIVIL RIGHTS AND THE LAW and NO DUE PROCESS, PURPOSEFUL INTIMIDATION, NO

DIRECTION!

MY INJURIES BEGAN ABSOLUTELY INHUMANE THE MOMENT I STEPPED INTO THIS HEARING AND EVERY SECOND I HAVE BEEN IN THIS HEARING INTIMIDATED WITH NO RESOURCE PROVIDED YET EXPECTED TO GO HEAD TO HEAD WITH A 1.4 BILLION DOLLAR DEVELOPMENTS LEGAL TEAM AND SUPREME COURT LAWYERS?

WHAT IS WRONG WITH THIS SYSTEM AND HOW ARE YOU OR THE SYSTEM GOING TO AFFORD ME ANY OF MY RIGHTS THAT YOU ALREADY HAVE SIDELINED FORCING ME THROUGH YOUR SCHEDULE WITH NO CONCERN ABOUT THE ENGAGEMENT AND RESOURCES NEEDED TO LEARN THIS SYSTEM. HORRIBLE.

HOW CAN A COMMON CITIZEN BE ABLE TO CITE CASE LAW? TELL ME THAT? WHY CAN I NOT GIVE YOU MY GRIEVANCE AND MAKE MOTIONS AND ENGAGE AS THE HEARING IS GOING ALONG THE RULES SEEM TO SUPPORT THAT. I AM GREATLY DISADVANTAGED AS ARE ALL NEW PARTICIPANTS.

THE claim of a user-friendly process does not match the reality. If no one is being accommodated reasonably at all by this dictated disadvantaging scheduling I contend this hearing is in violation of ethics and laws that I should not have to point out as a lawyer

would being that this process should be accessible to common citizens HOWEVER just because the Presiding Officer states that no one is being accommodated does not mean no one is being accommodated. In the speeding up of the process, the complete lack of genuine user-friendly resources to find anything out about this process, the demeanor of the hearing administrators including the Presiding Officer and the Attorney General's office and its representatives, and because of the extortionate costs not only of the transcripts but the purposeful scheduling of upcoming hearing dates with less than one weeks notice driving up costs of airfare and threatening the jobs of those who must request off in advance of more than 7 days, Presiding Officer Amano is blatantly, publicly, and clearly handing the advantage of these hearings to the entities who vie for only one outcome: the re-permitting of the TMT initiative. It is blatant. How can anyone disagree with the points I've made here regarding the timeline and the costs associated with such a timeline. If there is no pre-meditated timeline and no one is being accommodated than why is due-process and my right to engage this system knowledgeably being deprived?

Despite the direct and unconscionable harm this process, permitting request, and administration of this process is causing many others and myself directly, I submit this with the greatest aloha and hope for justice. In particular I would like to express aloha for hearing officer Amano and my hopes that this issue will be served all justice it is due.

If any mistakes regarding this statement or my participation and submissions to this so-called user friendly process are made, I request that I be allowed to rectify or amend them being that although this process is called "user friendly" there is no public

resource, website, manual or guidance available that has been made known to me or any of the other parties whom I have approached according to them. The coercion of silence, lack of guidance, pre-set statements of facilitating a schedule of deadlines and prior deliberations, not only suggest a pre-set outcome but evidence the known disingenuous use of the term “user friendly” for the BLNR’s Conservation District Use Application and Contested Court Case process. For any “user friendly” process resources and guidance should be available, yet here it is not. I appreciate any guidance and leeway to modify any interactions with this process and apologize ahead of time for whomever, individual or entity, that may have an agenda or schedule inconvenienced as we engage in what is proclaimed as- at least on paper- a “user friendly” system under seeming law.

Because of cultural mores that maintain privacy in genealogical and burial matters, in this motion and submission I reserve any and all rights known and unknown, in particular the right to clarify any and all statements made herein with official documentation under a variety of cultural standards, and the right to submit in the future any and all evidence and witnesses in the future that may be lacking presently or in the future requested, required and or pertinent, as a living, direct, lineal descendant, among many, to our living iwi, remains, burials and entire burial grounds and lands situated on these non-ceded, Hawaiian Kingdom Crown and Government lands held under possible fraud of treaty, or otherwise, and internal house resolution, or otherwise,- the sacred, and protected summit of Mauna Kea. ALOHA.