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BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

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

CASE NO. BLNR-CC-16-002

THE UNIVERSITY OF HAWAI'I AT  
HILO'S **OBJECTIONS TO (1) HARRY  
FERGERSTROM'S OPPOSITION TO  
PUEO'S MOTION TO SET THE  
ISSUES, FILED AUGUST 9, 2016 [DOC.  
186]; (2) J. LEINA'ALA  
SLEIGHTHOLM'S JOINDER TO  
HANK FERGUSTROM'S [SIC]  
MOTION TO OPPOSE PUEO'S  
MOTION TO SET ISSUES, FILED  
AUGUST 10, 2016 [DOC. \_\_\_\_]; AND (3)  
MEHANA KIHOI'S JOINDER TO  
HANK FERGERSTROM'S MOTION  
TO OPPOSE P.U.E.O. LLC'S MOTION  
TO SET THE ISSUES, FILED AUGUST  
10, 2016 [DOC. 195]; CERTIFICATE OF  
SERVICE**

**THE UNIVERSITY OF HAWAI'I AT HILO'S OBJECTIONS TO  
(1) HARRY FERGERSTROM'S OPPOSITION TO PUEO'S MOTION TO  
SET THE ISSUES, FILED AUGUST 9, 2016 [DOC. 186]; (2) J. LEINA'ALA  
SLEIGHTHOLM'S JOINDER TO HANK FERGUSTROM'S [SIC]  
MOTION TO OPPOSE PUEO'S MOTION TO SET ISSUES,  
FILED AUGUST 10, 2016 [DOC. \_\_\_\_]; AND (3) MEHANA KIHOI'S JOINDER TO  
HANK FERGERSTROM'S MOTION TO OPPOSE P.U.E.O. LLC'S  
MOTION TO SET THE ISSUES, FILED AUGUST 10, 2016 [DOC. 195]**

The University of Hawai‘i at Hilo (“**University**”) submits these Objections to (1) *Harry Fergerstrom’s Opposition to Pueo’s Motion to Set the Issues*, filed August 9, 2016 [Doc. 186] (“**Fergerstrom Opposition**”); (2) *J. Leina‘ala Sleightholm’s Joinder to Hank Fergustrom’s [sic] Motion to Oppose Pueo’s Motion to Set Issues*, filed August 10, 2016 [Doc. \_\_\_\_] (“**Sleightholm Joinder**”);<sup>1</sup> and (3) *Mehana Kihoi’s Joinder to Hank Fergerstrom’s Motion to Oppose P.U.E.O. LLC’s Motion to Set the Issues*, filed August 10, 2016 [Doc. 195] (“**Kihoi Joinder**”). The University objects to each of the Fergerstrom Opposition, the Sleightholm Joinder and the Kihoi Joinder as untimely.

As discussed in the University's *Opposition to Temple of Lono’s Motion to File Motion Out of Time [Doc. 179]*, filed August 10, 2016 [Doc. 194], which arguments are incorporated herein by reference, the deadline to file all motions in the above-captioned matter was **July 18, 2016**. Minute Order No. 13 [Doc. 115]. The deadline to file responses to the motions filed on July 18, 2016 was **August 1, 2016**. *Id.* The Fergerstrom Opposition was filed eight days after the deadline. Both the Sleightholm Joinder and Kihoi Joinder filed nine days after the deadline.

No parties were granted leave to file additional responses to Perpetuating Unique Educational Opportunities’ (“**PUEO**”) *Motion to Set the Issues*, filed July 18, 2016 [Doc. 99]. Accordingly, each of the Fergerstrom Opposition, Sleightholm Joinder and Kihoi Joinder should be dismissed as untimely. If the Hearing Officer decides to hear the Fergerstrom Opposition, Sleightholm Joinder and Kihoi Joinder on the merits, the University reserves the right to file a response on the merits at a later date. To the extent that the Fergerstrom Opposition, Sleightholm Joinder and/or Kihoi Joinder address issues already briefed by the University in its *Substantive Joinder in Support of Perpetuating Unique Education Opportunities’ Motion to Set*

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<sup>1</sup> At the time of filing of these Objections, no document number had yet been assigned to the Sleightholm Joinder.

*the Issues filed July 18, 2016 [Doc. 99], filed August 1, 2016 [Doc. 140], the University incorporates that Substantive Joinder by reference.*

DATED: Honolulu, Hawai'i, August 11, 2016.



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Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

The undersigned certifies that the above-referenced document was served upon the following parties by email unless indicated otherwise:

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DATED: Honolulu, Hawai'i, August 11, 2016.

A handwritten signature in black ink, appearing to read "Ian L. Sandison", written over a horizontal line.

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