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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

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 J.
LEINA'ALA SLEIGHTHOLM'S
JOINDER TO MEHANA KIHOI'S
MOTION TO EXCLUDE PUEO AS A
PARTY, FILED AUGUST 10, 2016
[DOC. 192];** CERTIFICATE OF SERVICE

**THE UNIVERSITY OF HAWAI'I AT HILO'S OBJECTIONS TO
J. LEINA'ALA SLEIGHTHOLM'S JOINDER TO MEHANA KIHOI'S MOTION TO
EXCLUDE PUEO AS A PARTY, FILED AUGUST 10, 2016 [DOC. 192]**

The University of Hawai'i at Hilo ("**University**") submits its Objections to J. *Leina'ala Sleightholm's Joinder to Mehana Kihoi's Motion to Exclude PUEO as a Party, filed August 10, 2016* [Doc. 192] ("**Joinder**"). The University objects to the Joinder because (1) it is untimely; and (2) the motion it purports to join has already been denied and therefore has already been ruled upon.

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], and the University's *Objections to (1) Harry Fergerstrom's Opposition to Pueo's Motion to Set the Issues, filed August 9, 2016* [Doc.

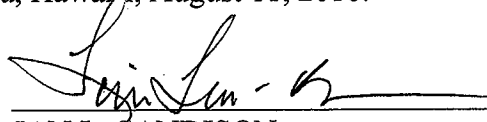
186]; (2) *J. Leina'ala Sleightholm's Joinder to Hank Fergustrom's [sic] Motion to Oppose PUEO's Motion to Set Issues, filed August 10, 2016 [Doc. __]*; and (3) *Mehana Kihoi's Joinder to Hank Fergestrom's Motion to Oppose P.U.E.O. LLC's Motion to Set the Issues, filed August 10, 2016 [Doc. 195]*, filed August 11, 2016, which 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 Joinder was filed nine days late.

Furthermore, the Hearing Officer did not grant any parties leave to file additional responses to Perpetuating Unique Educational Opportunities' ("PUEO") *Motion to Set the Issues*, filed July 18, 2016 [Doc. 99]. So the Joinder should be dismissed as untimely and unauthorized.

Moreover, at the pre-hearing conference on August 5, 2016, the Hearing Officer denied Mehana Kihoi's *Motion to Deny the Intervention of Perpetuating Unique Educational Opportunities' as a Party in the Contested Case Hearing*, filed July 18, 2016 [Doc. 98]. Therefore, there is no existing open motion for Ms. Sleightholm to join.

If the Hearing Officer decides to hear the Joinder on the merits, even though the underlying motion has already been denied, the University reserves the right to file a response at a later date. To the extent that the Joinder addresses issues about PUEO's admission as a party in this contested case, the University has briefed such issues in its *Substantive Joinder in Support of Perpetuating Unique Education Opportunities' Motion to Set the Issues Filed July 18, 2016 [Doc. 99]*, filed August 1, 2016 [Doc. 140], at 9-11, and incorporates that brief by reference.

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

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

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Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

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

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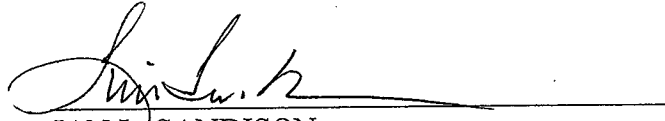
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DATED: Honolulu, Hawai'i, August 11, 2016.

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