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AND COASTAL LANDS

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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 JOINDER TO TMT  
INTERNATIONAL OBSERVATORY,  
LLC'S OPPOSITION TO KAMAHANA  
KEALOHA: MOTION INVOKING  
QUO WARRANTO, RESPECTFULLY,  
A DEMAND OF JURISDICTION;  
DECLARATORY JUDGMENT ON A  
CONSTITUTIONAL  
ISSUE/VIOLATION RESUBMITTED  
8/8/2016, FILED AUGUST 9, 2016 [DOC.  
184]; CERTIFICATE OF SERVICE

**THE UNIVERSITY OF HAWAI'I AT HILO'S JOINDER TO TMT INTERNATIONAL  
OBSERVATORY, LLC'S OPPOSITION TO KAMAHANA KEALOHA: MOTION  
INVOKING QUO WARRANTO, RESPECTFULLY, A DEMAND OF JURISDICTION;  
DECLARATORY JUDGMENT ON A CONSTITUTIONAL ISSUE/VIOLATION  
RESUBMITTED 8/8/2016, FILED AUGUST 9, 2016 [DOC. 184]**

Applicant UNIVERSITY OF HAWAI'I AT HILO ("University"), through its counsel,  
Carlsmith Ball LLP, joins in *TMT International Observatory, LLC's Opposition to Kamahana  
Kealoha: Motion Invoking Quo Warranto, Respectfully, a Demand of Jurisdiction, Declaratory  
Judgment on a Constitutional Issue/Violation RESUBMITTED 8/8/2016, filed on August 9, 2016  
[Doc. 184]*.

The University objects to Kamahana Kealoha's ("**Kealoha**") *Response to TMT International Observatory, LLC's Opposition to Motion Invoking Quo Warranto, Respectfully, a Demand of Jurisdiction; Declaratory Judgment on a Constitutional Issue/Violation RESUBMITTED 8/8/2016*, filed on August 10, 2016 [Doc. 189] ("**Response to TIO**").

First, Kealoha's original underlying motion was untimely, rendering the Response to TIO moot. 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, which arguments are incorporated herein by reference, the deadline to file all motions in this matter was July 18, 2016. Minute Order No. 13 [Doc. 115]. Kealoha filed his original motion twenty-one days after this deadline. Accordingly, the original motion is untimely and the subsequent Response to TIO is moot.

Second, notwithstanding issues of untimeliness, the Hearing Officer did not grant the parties leave to file replies to oppositions/objections to motions, yet Kealoha attempts to file such a reply here. Therefore, Kealoha's Response to TIO should be dismissed as unauthorized.

Separately, the University objects to Kealoha's *Motion Demanding Redress to the Fact That We are Being 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*, filed August 10, 2016 [Doc. 190] ("**Demand**") because the Demand fails to state a coherent factual or legal argument that is cognizable here and appears to request relief that is not within the Hearing Officer's jurisdiction and power to grant.

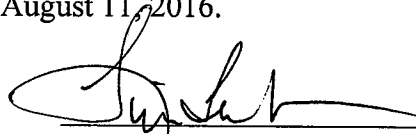
The University also objects to Kealoha's *Motion Demanding Inventory of the So-Called Ceded Lands Containing the Specific Land and Parcel the TIO Plans to be Sub-Leased by UH Who Leases Said Lands From the BLNR, a Survey of These Lands Also*, filed on August 10, 2016 [Doc. 191] ("**Motion for Inventory**") because this motion is untimely as being filed after the July 8, 2016 motions deadline, or twenty-three days late. Therefore, the Motion for Inventory should be dismissed as untimely and unauthorized.

Should the Hearing Officer decide to hear Kealoha's Response to TIO (and underlying motion), Demand, and Motion for Inventory, the University reserves the right to file a response on the merits at a later date. To the extent that Kealoha's Response to TIO (and underlying

motion) and Motion for Inventory address issues already briefed by the University 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], the University incorporates the arguments made in its Substantive Joinder by reference.

Lastly, the University asserts a standing objection to any such further untimely or unauthorized filings being submitted and considered by any party to this proceeding.

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



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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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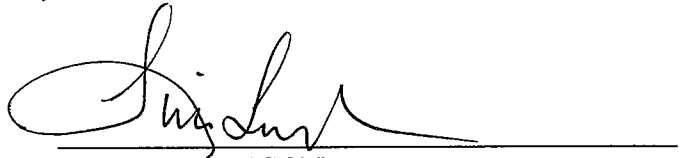
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