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J. DOUGLAS ING #1538-0
ROSS T. SHINYAMA #8830-0
SUMMER H. KAIawe #9599-0
First Hawaiian Center
999 Bishop Street, 23rd Floor
Honolulu, Hawaii 96813
Telephone No.: (808) 544-8300
Facsimile No.: (808) 544-8399
E-mails: rshinyama@wik.com

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Attorneys for
TMT INTERNATIONAL OBSERVATORY, LLC

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAI'I

IN THE MATTER OF

Case No. BLNR-CC-16-002

A Contested Case Hearing Re
Conservation District Use
Permit (CDUP) HA-3568 for the
Thirty Meter Telescope at the
Mauna Kea Science Reserve,
Kaohe Mauka, Hamakua District,
Island of Hawaii, TMK (3) 4-4-
015:009

**TMT INTERNATIONAL OBSERVATORY,
LLC'S OBJECTIONS TO THE UNTIMELY
MOTIONS AND JOINDERS FILED BY
ANTI-TMT PARTIES INCLUDING, BUT
NOT LIMITED TO, DOC. NOS. 178,
179, 187, 190, 191, 192, 193,
and 195; CERTIFICATE OF SERVICE**

**TMT INTERNATIONAL OBSERVATORY, LLC'S OBJECTIONS TO
THE UNTIMELY MOTIONS AND JOINDERS FILED BY ANTI-TMT
PARTIES INCLUDING, BUT NOT LIMITED TO, DOC. NOS. 178,
179, 187, 190, 191, 192, 193, and 195**

TMT International Observatory, LLC ("TIO"), by and through its
undersigned counsel, hereby submits its Objections to the Untimely

Motions and Joinders Filed by Anti-TMT Parties Including, But Not Limited To, Doc Nos. 178, 179, 187, 190, 191, 192, 193, and 195.¹

The anti-TMT parties continue to file pre-hearing motions and joinders after the July 18, 2016 deadline to do so demonstrating a complete lack of respect for this Hearings Officer and Minute Order No. 13. See Minute Order No. 13 at 6 [Doc-115]. Since this Hearings Officer concluded the 8/5/16 hearing on pre-hearing motions in which she specifically advised the parties that no other motions or joinders should be filed except for two limited exceptions², the anti-TMT parties have filed at least 8 motions or joinders. See infra. The following motions and/or joinders have been filed by the anti-TMT parties after the July 18, 2016 deadline and without the permission of this Hearings Officer:

- (1) Temple of Lono Motion for Reconsideration [Doc-178];

¹ This list identifies the untimely motions and joinders that have been filed by anti-TMT parties as of 10:00 a.m. on 8/11/2016. TIO anticipates that additional untimely motions and/or joinders will be filed by anti-TMT parties before tomorrow's hearing. These Objections also respond to those anticipated motions and/or joinders.

² The two limited exceptions were to allow Kamahana Kealoha to re-file his "quo warranto, demand of jurisdiction" [Doc-161] as a motion and Joseph K.L. Camara to file a joinder to Petitioners Mauna Kea Anaina Hou et al.'s Motion to Strike Conservation District Use Application, HA-3568, Dated September 2, 2010, and/or Motion for Summary Judgment [Doc-94]. Mr. Kealoha filed his permitted motion on 8/8/2016 [Doc-180] and TIO responded on 8/9/2016 [Doc-184]. Mr. Camara filed a "joinder" on 8/8/2016 [Doc-181] and TIO responded on 8/9/2016 [Doc-183]. No other exceptions to the July 18, 2016 deadline in Minute Order No. 13 were permitted by this Hearings Officer.

- (2) Temple of Lono Motion to File Motion Out of Time [Doc-179];
- (3) J. Leina'ala Sleightholm's Joinder to Mehana Kihoi's Motion to Exclude PUEO [Doc-192];
- (4) Petitioners Mauna Kea Anaina Hou, et al.'s Motion to Strike Motion for Protective Order for the Honorable David Y. Ige, et al. [Doc-187];
- (5) Kamahana Kealoha: Demanding Redress to the Fact that we are being rushed, et al. [Doc-190];
- (6) Kamahana Kealoha: Invoking American Law, Motion Demanding Inventory, et al. [Doc-191];
- (7) J. Leina'ala Sleightholm's Joinder to Temple of Lono Motion to File Motion Out of Time [Doc-193]; and
- (8) Mehana Kihoi's Joinder to Hank Fergerstrom's Motion to Oppose PUEO LLC's Motion to Set the Issues [Doc-195].

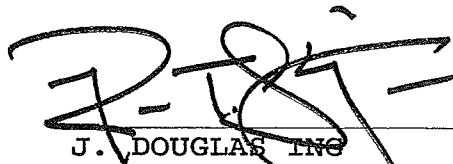
Mr. Fergerstrom also filed an untimely opposition to PUEO's Motion to Set Issues on 8/9/2016 [Doc-186]. See Minute Order No. 13 at 6 (setting deadline to file responses to pre-hearing motions for 8/1/2016).

It is clear that the anti-TMT parties are making a concerted effort to inundate this Hearings Officer with countless and unnecessary amounts of paper to delay this contested case hearing. This Hearings Officer should not tolerate such delay tactics by anti-TMT parties and should strike any and all motions and/or joinders that have been filed by parties after the July 18, 2016 deadline in Minute Order No. 13. If this Hearings Officer does not do so, the lack of respect demonstrated by the anti-TMT parties towards this Hearings Officer and her orders and the ongoing delay tactics will invariably continue.

If this Hearings Officer is nevertheless inclined to address these untimely motions and joinders during the 8/12/2016 hearing, TIO respectfully requests that it be permitted to orally argue against each untimely motion and joinder listed above. TIO has separately objected in writing to (1)-(3) above and hereby by this specific reference incorporate those objections herein. See Docs-183 and 184. TIO also objects and opposes the remaining motions and joinders listed above. Such motions and joinders are meritless and should be denied by this Hearings Officer on not just the above procedural grounds, but also on substantive grounds.

In sum, TIO respectfully requests that this Hearings Officer strike the above motions and joinders for being untimely. Indeed, the above motions and joinders were all filed after the July 18, 2016 deadline for pre-hearing motions stated in Minute Order No. 13. To the extent that the Hearings Officer is nevertheless inclined to hear the above motions and joinders on 8/12/2016, TIO opposes the motions and joinders and respectfully requests to be heard on each motion and joinder on 8/12/2016.

DATED: Honolulu, Hawaii, August 11, 2016.



J. DOUGLAS INC
ROSS T. SHINYAMA
SUMMER H. KAIawe
Attorneys for TMT INTERNATIONAL
OBSERVATORY, LLC

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'ohē Mauka,
Hāmākua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02

CERTIFICATE OF SERVICE

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

Michael Cain
Office of Conservation and Coastal
Lands
1151 Punchbowl, Room 131
Honolulu, HI 96813
michael.cain@hawaii.gov
*Custodian of the Records
(original + digital copy)*

Carlsmith Ball LLP
isandison@carlsmith.com
*Counsel for the applicant
University of Hawai'i at Hilo*

Richard N. Wurdeman
RNWurdeman@RNWLAW.com
*Counsel for the petitioners Mauna
Kea Anaina Hou, Clarence
Kukauakahi Ching, Flores-Case
'Ohana, Deborah J. Ward, Paul K.
Neves, and Kahea: The
Environmental Alliance*

Harry Fergstrom
P.O. Box 951
Kurtistown, HI 96760

Mehana Kihoi
uhiwai@live.com

C. M. Kaho'okahi Kanuha
kahookahi@gmail.com

Joseph Kualii Lindsey Camara
kualiic@hotmail.com

Torkildson, Katz, Moore,
Hetherington & Harris
lsa@torkildson.com
njc@torkildson.com
*Counsel for Perpetuating Unique
Educational Opportunities (PUEO)*

J. Leina'ala Sleightholm
leina.ala.s808@gmail.com

Maelani Lee
maelanilee@yahoo.com

Lanny Alan Sinkin
lanny.sinkin@gmail.com
*Representative for The Temple of
Lono*

Kalikolehua Kanaele
akulele@yahoo.com

Stephanie-Malia:Tabbada
s.tabbada@hawaiiantel.net

Tiffnie Kakalia
tiffniekakalia@gmail.com

Glen Kila
makakila@gmail.com

Dwight J. Vicente
2608 Ainaola Drive
Hilo, Hawaiian Kingdom

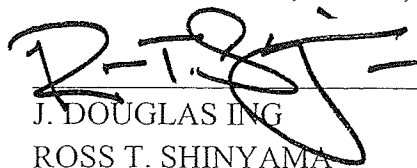
Brannon Kamahana Kealoha
brannonk@hawaii.edu

Cindy Freitas
hanahanai@hawaii.rr.com

William Freitas
pohaku7@yahoo.com

Richard L. DeLeon
kekaukike@msn.com

DATED: Honolulu, Hawaii, August 11, 2016.



J. DOUGLAS ING

ROSS T. SHINYAMA

Attorneys for TMT International Observatory LLC