

Cindy Freitas
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BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re Conservation;) **MOTION TO FILE MOTION**
Use Application (CDUA) HA-3568 For the) **OUT OF TIME**
Thirty Meter Telescope at the Mauna Kea)
Science Reserve, Ka'ohē Mauka, Hamakua,)
Hawai'i TMK(3)4-4-015:009) Certificate of Service
)
_____)

MOTION TO FILE MOTION OUT OF TIME

I Cindy Freitas "Petitioner", moves the Hearing Officer to allow the Petitioner to file a Motion to View Transcript out of time.

Memorandum in Support for this motion argues for good cause for allowing Petitioner to file out of time the copy of the motion attached to memorandum as Exhibit 1

Kailua Kona HI., August 22, 2016


Cindy Freitas Petitioner

cc. Parties of Record (Certificate of Service)

Received
Office of Conservation and Coastal Lands
2016 Aug 22 11:33 am
Department of Land and Natural Resources
State of Hawaii

Cindy Freitas
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Kailua Kona HI 96745
hanahanai@hawaii.rr.com

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;) **MEMORANDUM IN SUPPORT OF**
Use Application (CDUA) HA-3568 For the) **MOTION TO FILE MOTION**
Thirty Meter Telescope at the Mauna Kea) **OUT OF TIME**
Science Reserve, Ka'ohē Mauka, Hamakua,)
Hawai'i TMK(3)4-4-015:009) Certificate of Service
)
)

MEMORANDUM IN SUPPORT OF MOTION TO

FILE MOTION OUT OF TIME

I. INTRODUCTION

On August 5, 2016 the pre-hearing conference was schedule. DOC 115 and August 12, 2016 a week later another pre-hearing conference was schedule. DOC 185.

II. AUGUMENT

I Cindy Freitas "Petitioner", has addressed the Hearing Officer on the process of ordering a certain part of a transcript as well as other Petitioners and to my surprise the Hearing Officer stated, "just ask someone who has the transcript and view it so you know exactly which page you need", I've turn to face the audience and asked to my surprise no one offered at the end of the pre-hearing conference. See Griffin v. Illinois 351 U.S. 12 (1956) Exhibit 2, 3, and 4 attached to memorandum.

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The Hearing Officer has conducted this contested hearing unjustified when it comes to a simple process in obtaining the transcript as well as the certified recorder Jean Marie McManus in an email correspondence as well as emailing Julie H. China, Deputy Attorney General Land and Transportation Division Still with no answer. Hawaii Administration Rules 13-1-31(d) states:

“Any party may obtain a certified transcript of the Proceeding upon payment of the fee established By law for a copy of the transcript”.

August 5, 2016 pre-hearing of a transcript was not resolved and as well as some other issues that need to be address on the next pre-hearing conference set for August 12, 2016.

August 12, 2016 pre-hearing conference still did not resolved the process of ordering a select page of the transcript.

I have exhausted all the administration remedies to try to obtain a select page of transcript.

Therefore it violates the Due Process right of parties. 14th and 15th Amendment.

III. CONCLUSION

I ask humbly to give clarification in the future and opportunity to file any additional motions and the important of this matter that the Petitioner brings and it will not hinder on any addition time in this contested hearing process.

For the reasons in this mater the Petitioner moves the Hearing Officer to grant the Petitioner request to file its motion out of time.

Kailua Kona HI., August 22, 2016


Cindy Freitas Petitioner

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hanahanai@hawaii.rr.com

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;) **MOTION TO VIEW**
Use Application (CDUA) HA-3568 For the) **TRANSCRIPT; MEMORANDUM**
Thirty Meter Telescope at the Mauna Kea) **IN SUPPORT OF MOTION**
Science Reserve, Ka'ohē Mauka, Hamakua,)
Hawai'i TMK(3)4-4-015:009) Certificate of Service
)
_____)

MOTION TO VIEW TRANSCRIPT

I Cindy Freitas, "Petitioner", moves the Hearing Officer to have the transcript be located in ALL Department of Land and Natural Resources office in the State of Hawai'i for all Petitioners to view the documents so that the Petitioners can order a select page that we the Petitioners need to support our document and as well as the Department of Land and Natural Resources "DOCUMENT LIBRARY". For those who have access to a technology device.

Kailua Kona HI., August 22, 2016


Cindy Freitas Petitioner

EXHIBIT 1

Received
Office of Conservation and Coastal Lands
2016 Aug 22 11:33 am
Department of Land and Natural Resources
State of Hawaii

Mahalo Cindy Freitas

-----Original Message-----

From: Jean Marie McManus
Sent: Sunday, July 24, 2016 9:36 AM
To: hanahanai@hawaii.rr.com
Subject: TMT transcript

Aloha, Ms. Freitas,

I received an email from OCCL - Michael Cain stating you wanted information on TMT transcripts.

Please let me know specifically what you are interested in.

Thank you.

Jean McManus
Court Reporter
239-6148 on Oahu

Sent from my iPhone

-----Original Message-----

From: cindy freitas <hanahanai@hawaii.rr.com>
To: Jean Marie McManus <mjeanmcmanus804@aol.com>
Sent: Sun, Jul 24, 2016 1:38 pm
Subject: Re: TMT transcript

Aloha

In the Hawaii Administration Rules 13-1-32(d) state "Any party may obtain a certified transcript of the proceedings upon payment of the fee established by law for a copy of the transcript.

1. What is the process and form I need to do to order transcript of June 17, 2016 and the cost.
2. when ordering future transcript how soon can I put the order in for the next transcript and will the cost be noted also.

Mahalo for getting back to me and should be look forward for information on this matter though email.

EXHIBIT 2

Received
Office of Conservation and Coastal Lands
2016 Aug 22 11:33 am
Department of Land and Natural Resources
State of Hawaii

From: Jean McManus
Sent: Monday, July 25, 2016 7:24 AM
To: hanahanai@hawaii.rr.com
Subject: Re: TMT transcript

Aloha, Ms. Freitas,

The cost per page is \$5.75. For the proceedings held on 6/17/16 it was 127 pages.

127 x 5.75 = 736.00
Excise tax - 34.68

TOTAL DUE for the transcript is \$770.68

If you would like to order the transcript, please send a check in the amount of \$770.68 to

McManus Court Reporters
47-314 Lulani Street
Kaneohe, HI 9744

Upon receipt of your check I will send you a pdf copy of the transcript. If you desire to order more transcripts of the TMT proceedings, all you need do is contact me via email and let me know that you want a copy of the transcript. I will let you know the cost and send it to you via email upon receipt of your check.

Thank you,

Jean McManus

On Jul 25, 2016, at 8:52 AM, cindy freitas <hanahanai@hawaii.rr.com> wrote:

Aloha Jean McManus

If I wanted a select page how can I identify it. example: for me "were I agree on accepting as party" I would know about that but, due to next pre-hearing conference their will be a lot of argument being made (to motion) and I need to understand how to identify it. Mahalo Cindy

Received
Office of Conservation and Coastal Lands
2016-07-25 10:33am
EXHIBIT 3
Department of Land and Natural Resources
State of Hawaii

From: Jean Marie McManus
Sent: Monday, July 25, 2016 12:07 PM
To: cindy freitas
Subject: Re: TMT transcript

I really don't understand what you want.

Sent from my iPhone

On Jul 25, 2016, at 2:10 PM, cindy freitas <hanahanai@hawaii.rr.com> wrote:

Aloha Jean McManus

If I needed a certain area of the transcript how would I identify that page. Example DOC 94: 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; Memorandum in support of motion; Declaration of Richard Naiwieha Wurdeman; Exhibits "A" – "E"... the transcript was located on Exhibit D transcript page 23, 24, 25 and 39 in the docs. If I needed a transcript page form a pre-hearing conference what do I need.. Do I take notes as the hearing starts and let you know what was said....or can I tape it so I know what to order....Mahalo Cindy

Cindy Freitas

From: "Jean Marie McManus" <mjeanmcmanus804@aol.com>
Date: Tuesday, July 26, 2016 11:49 AM
To: "cindy freitas" <hanahanai@hawaii.rr.com>
Subject: Re: TMT transcript

If you can tell me specifically what you want, where it starts and where it ends, I can hopefully go right to it. The judge said no tape recording which is the way it always is, so if you want something write down beginning and ending.

This is very difficult for me to do, so if this becomes too time consuming at some point I will have to say "no more".

Sent from my iPhone

Received
Office of Conservation and Coastal Lands
2016 Aug 22 11:33 am
Department of Land and Natural Resources
State of Hawaii

EXHIBIT 4

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
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Thirty Meter Telescope at the Mauna Kea))
Science Reserve, Ka'ohē Mauka, Hamakua,))
Hawaii TMK(3)4-4-015:009) Certificate of Service
))
))

CERTIFICATE OF SERVICE

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

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Hearing Officer

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Date: 8/22/16