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UNIVERSITY OF HAWAI'I AT HILO

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'oho Mauka, Hāmakua,
Hawai'i, TMK (3) 4-4-015:009

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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

CASE NO. BLNR-CC-16-002

**THE UNIVERSITY OF HAWAI'I AT
HILO'S JOINDER TO 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, FILED
AUGUST 11, 2016 [DOC. 203];
CERTIFICATE OF SERVICE**

**THE UNIVERSITY OF HAWAI'I AT HILO'S JOINDER TO 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 FILED AUGUST 11, 2016 [DOC. 203]**

Applicant UNIVERSITY OF HAWAI'I AT HILO ("University"), through its counsel,
Carlsmith Ball LLP, joins in *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*, filed on August 11, 2016 [Doc. 203], for the reasons

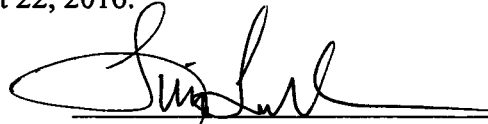
stated therein.

In Minute Order No. 13 [Doc. 115], the Hearing Officer set a deadline of July 18, 2016 for the filing of pre-hearing motions. *See* Minute Order No. 13 [Doc. 115] at 6. In defiance of the Hearing Officer's unambiguous order, parties continue to file motions, as well as joinders to motions, well after the imposed deadline. These untimely motions and joinders have caused chaos in this contested case proceeding, forcing the Hearing Officer and involved parties to spend unnecessary time and effort sifting through the numerous improperly filed documents, many of which raise issues that are outside of the Hearing Officer's authority to hear/decide on. Accordingly, the University respectfully requests that the Hearing Officer strike all motions filed after July 18, 2016 and joinders to those motions unless the submission was expressly authorized or the deadline specifically excused by the Hearing Officer.

Separately, the University asserts a standing objection to any further untimely and authorized motions or joinders from being submitted or considered by any party to this proceeding. Allowing further untimely motions and joinders will result in continued and elevated levels of disorder, which will interfere with and restrict the Hearing Officer and involved parties from addressing the critical issues that are properly the subject of this proceeding in an efficient and streamlined manner. Should the Hearing Officer decide to entertain such untimely and unauthorized motions or joinders, the University reserves the right to file a response on the merits at a later date.

Lastly, to the extent that motions for reconsideration are permitted, such motions should be decided by the Hearing Officer without hearing or oral argument, which is the procedure followed in our state and federal courts. The Hawai'i Supreme Court previously expressed its concern for the abuse of motions for reconsideration that merely ask to rehear matters of a purely repetitive nature which "necessarily result in delay and wasted effort by court and counsel." *Gossinger v. Ass'n of Apt. Owners of the Regency of Ala Wai*, 73 Haw. 412, 425, 835 P.2d 627, 634 (1992); *see also K.M. Young & Assocs., Inc. v. Cieslik*, 4 Haw.App. 657, 667, 675 P.2d 793, 801 (1983). If the Hearing Officer elects to treat motions for reconsideration as hearing motions, the University reserves the right to present oral argument regarding such motions.

DATED: Honolulu, Hawai'i, August 22, 2016.

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

IAN L. SANDISON

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Attorneys for Applicant

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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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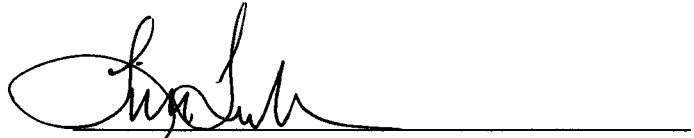
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BLNR Members SUZANNE CASE and
STANLEY ROEHRIG*

DATED: Honolulu, Hawai'i, August 22, 2016.

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