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UNIVERSITY OF HAWAI'I AT HILO

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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

Case No. BLNR-CC-16-002

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

APPLICANT UNIVERSITY OF HAWAI'I  
AT HILO'S **DESIGNATION OF  
WITNESSES FOR CROSS-  
EXAMINATION AND OBJECTION TO  
WITNESSES WITHOUT WRITTEN  
TESTIMONY; CERTIFICATE OF  
SERVICE**

**APPLICANT UNIVERSITY OF HAWAI'I AT HILO'S  
DESIGNATION OF WITNESSES FOR CROSS-EXAMINATION AND  
OBJECTION TO WITNESSES WITHOUT WRITTEN TESTIMONY**

**I. DESIGNATION OF WITNESSES FOR CROSS-EXAMINATION**

Applicant University of Hawai'i at Hilo ("University"), by and through its undersigned counsel, hereby designates the witnesses who have submitted written direct testimony for cross-examination in the above-captioned proceeding:

	<b>Witness to be Cross-Examined</b>	<b>Witness Called By (party identification letter)</b>
1.	Kealoha Pisciotta	<b>Petitioners (B)</b>
2.	E. Kalani Flores	

3.	Marti Townsend, Esq.		
4.	Maile Taualii, Ph.D.		
5.	Manulani Aluli-Meyer, Ed.D.		
6.	Ku Kahakalau, Ph.D.		
7.	Jon Osorio, Ph.D.		
8.	Kehaunani Abad, Ph.D.		
9.	Davin James Vicente, M.S.		
10.	Eric Hansen, M.S.		
11.	Kuulei Kanahale, M.Ed.		
12.	Peter Mills, Ph.D.		
13.	Candace Fujikane, Ph.D.		
14.	Laulani Teale, M.P.H.		
15.	Deborah J. Ward, M.S.		
16.	Paul K. Neves		
17.	Clarence Kūkauakahi Ching		
18.	B. Pualani Case		
19.	Kapulei Flores		
20.	Ruth Aloua, M.A.		
21.	Diana LaRose, M.A.		
22.	Edward C. Stone		<b>TMT International Observatory, LLC (C)</b>
23.	Gary H. Sanders		
24.	Michael Bolte		
25.	David Callies, Esq.		
26.	James E. Hallstorm		
27.	Dr. Heather Kaluna		
28.	Naea Stevens		
29.	Amber Imai-Hong		
30.	Robert B. Rechtman		
31.	Paul Coleman		
32.	Mehana Kihoi	<b>Mehana Kihoi (F)</b>	
33.	Sara Kihoi		
34.	Leina'ala Sleightholm		
35.	Ruth Aloua		
36.	Hawane Rios		
37.	Jessie Kaleinohea Cleghorn		
38.	Joseph Keaweaimoku Kahulokula, Ph.D.		

39.	Joseph K.L. Camara	<b>Joseph Kualii Lindsey Camara (H)</b>
40.	Mililani Trask	
41.	Linda L. L. Kaapuni	
42.	Shadd Keahi Warfield	<b>Perpetuating Unique Educational Opportunities (I)</b>
43.	Richard Ha	
44.	Elroy Osorio	
45.	William Brown	
46.	Patrick Kahawaiolaa	
47.	Kahuna Palani Tamehameha Kamehaloha Anuumealani Nobriga	<b>Temple of Lono (L)</b>
48.	Dr. T. Noelani Perreira	<b>Tiffnie Kakalia (O)</b>
49.	Mr. Keahi Tajon	
50.	Dr. J. Keawe‘aimoku Kaholokua	
51.	Mehana Kihoi	<b>Cindy Freitas (S)</b>
52.	Cindy Freitas	
53.	Gregory Johnson	<b>William Freitas (T)</b>
54.	Ronald Fujiyoshi	
55.	William Freitas	

## II. OBJECTION TO WITNESSES WITHOUT WRITTEN TESTIMONY

The deadline for submission of written direct testimony, or in the alternative, requests for witnesses to testify verbally at the hearing in lieu of written testimony, was **October 11, 2016 at 4:30 p.m. (“Submissions Deadline”)**. No parties submitted any requests for witnesses to testify orally at the hearing. Accordingly, the University objects to any late submissions of written direct testimony for the prior designated witnesses who did not provide written direct testimony by the Submissions Deadline and further objects to the admission of any oral testimony from these witnesses at the hearing:

	<b>Witnesses Missing Written Direct Testimony</b>	<b>Witness Called By (party identification letter)</b>
1.	Kumu Michael K. Lee	<b>Harry Fergerstrom (D)</b>
2.	Leina'ala Sleightholm <sup>1</sup>	<b>Mehana Kihoi (F)</b>
3.	Dr. Keanu Sai	<b>Chad Kaho'okahi Kanuha (G)</b>
4.	Kaleikoa Ka'eo	
5.	Councilmember Dru Mamo Kanuha	
6.	Nelson Ho	<b>J. Leina'ala Sleightholm (J)</b>
7.	Edward K. Akiona	
8.	Keone Kalawe	
9.	Noe Goodyear-Kaopua	
10.	Luana Neff <sup>2</sup>	<b>Joseph Kualii Lindsey Camara (H)</b>
11.	Tom Whitney <sup>3</sup>	<b>Kalikolehua Kanaele (M)</b>
12.	Kahu o TeRangi Ruwhiu	
13.	Mr. Shane Nelson-Palacat	<b>Tiffnie Kakalia (O)</b>
14.	Glen Kila	<b>Glen Kila (P)</b>
15.	Kimo Alama Keaulana	<b>Brannon Kamahana Kealoha (R)</b>
16.	Marie Alohalani Brown, Ph.D.	

Allowing the witnesses listed above in this Section II to testify at the hearing without submitting timely written direct testimony would result in an unfair advantage over those parties and witnesses that complied with the Hearing Officer's Submissions Deadline. If the Hearing Officer nonetheless allows those witnesses to testify, the University reserves the right to cross-

<sup>1</sup> Exhibit F-3 is purports to be Leina'ala Sleightholm's written direct testimony, however the file contains the written direct testimony of Ruth Aloua.

<sup>2</sup> Although credentials of Luana Busby Neff and articles were submitted under Exhibit H-9, no written direct testimony was submitted.

<sup>3</sup> Partial Witness List indicates that the written testimony of Tom Whitney would be available on his website: tomwhitney.net. The University avers that no sworn testimony is present on the website and objects to the designation of the content of the website as testimony. Therefore, Mr. Kanaele failed to submit written testimony for Mr. Whitney.

examine these witnesses and present additional witnesses for rebuttal.

### III. GENERAL OBJECTIONS

The University reserves the right to object at a later date to any testimony that is: (1) unnecessarily duplicative of other witnesses; or (2) irrelevant or beyond the scope of the issues to be decided in this proceeding, as set forth in Minute Order No. 19. *See* Hawai'i Administrative Rules (“HAR”) § 13-1-35(a) (“The presiding officer may exercise discretion in the admission or rejection of evidence and the exclusion of immaterial, irrelevant, or unduly repetitious evidence as provided by law with a view of doing substantial justice.”). The University also objects to any written direct testimony that was not served on the University.

DATED: Honolulu, Hawai'i, October 14, 2016.



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

Case No. BLNR-CC-16-002

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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DATED: Honolulu, Hawai'i, October 14, 2016.



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