

Richard N. Wurdeman, Esq., Attorney for Mauna Kea Anaina Hou, et al. for and with Kealoha Pisciotta, Clarence K. Ching, Deborah Ward, Paul Neves, Pualani Case, E. Kalani Flores and Keomailani Van Gogh
 Timothy Lui-Kwan, Esq.; John Manaut, Esq.; and Ian Sandison, Esq.; Attorneys for the University of Hawaii-Hilo (“UHH”)
 J. Douglas Ing, Esq. and Ross Shinyama, Esq., Attorneys for TMT International
 Lincoln Ashida, Esq. and Newton Chu, Esq., Attorneys for Perpetuating Unique Educational Opportunities Inc. (“PUEO”)
 Lanny Sinkin for Temple of Lono
 Harry Fergerstrom
 Richard DeLeon
 Mehana Kihoi
 C.M. Kahookahi Kanuha
 Joseph Camara
 Jennifer Leina`ala Sleightholm
 Maelani Lee
 Kalikolehua Kanaele
 Stephanie-Malia Tabbada
 Tiffnie Kakalia
 Glen Kila
 Dwight Vicente
 Brannon Kamahana Kealoha
 Cindy Freitas
 William Freitas

In addition to the Requests, the following submissions were considered:

DOC.	TITLE	COUNSEL/PARTY
85	TMT International Observatory LLC’s Response to Petitioners’ Request for Continuance on Submissions and Next Hearing Date	TMT International Observatory, LLC
86	UH-Hilo’s Opposition to Petitioners’ Request for Continuance on Submissions and Next hearing Date	University of Hawaii at Hilo
87	Petitioners Mauna Kea Anaina Hou et al.’s Reply to TMT International Observatory LLC's and UH Responses	Petitioners
88	Joining of Motions for Continuance with Richard Naiwi Wurdeman’s Motion, and Opposition to UH Opposition to Richard Naiwi Wurdeman’s Motion for Continuance	Kalikolehua Kanaele
93	TMT International Observatory’s Response to Petitioners’ Request for a Continuance of the Motions Deadline	TMT International Observatory, LLC

On October 5, 2016, the University of Hawai'i at Hilo filed a Proposed Minute Order No. ___ Denying the Motion ("Proposed Minute Order"; Doc. 319).² Cindy Freitas submitted Objection to All Minute Order No. ___ That Was Filed In The Document Library On October 5, 2016 Doc 322, 321, 320, 319, 318, 317, 316, 315, 314, 312, 311, 310, 309 and 308, on October 7, 2016 ("C. Freitas Objection"; Doc. 332 and Doc. 333)³.

Based upon the Motions, all related and oral submissions from counsels and/or parties, the Proposed Minute Order and all submissions related thereto, all applicable law, the entire record having been considered by the Hearing Officer,

IT IS HEREBY ORDERED that the Motion is DENIED. As an initial matter, Petitioners' Motions were essentially moot at the time of the hearing on the Motion, August 5, 2016. The motions deadlines had passed with Movant and supporting parties filing multiple pre-hearing motions and participating in both the August 5, 2016 and August 12, 2016 hearings on those motions. More importantly, the deadlines had been set at a hearing on June 17, 2016, which gave ample time to meet the deadlines. This Hearing Officer finds that Petitioner failed to demonstrate good cause to continue the hearing date and submission deadlines.

Ms. Freitas' objections to the Proposed Minute Order are based on her belief that "There for [sic] all **DOC 322, 321, 320, 319, 318, 318, 317, 316, 315, 314, 312, 311, 310, 309 AND 308** filed in the Document Library on October 5, 2016 is premature." Citing the "14th Amendment"

² At the 5th pre-hearing conference, held on October 3, 2016, the Hearing Officer requested that prevailing parties submit proposed minute orders relative to motions for which oral rulings were rendered but written Minute Orders were still outstanding. Deadline for submission of the proposed minute orders was set for Wednesday, October 5, 2016, 4:30 p.m. Deadline for the submission of responses to the proposed minute orders was set for Friday, October 7, 2016, 4:30 p.m.

³ It appears that C. Freitas filed two identical documents; Doc. No. 332 is file-stamped "2016 Oct 07 at 11:44 a.m." and Doc. No. 333 is file-stamped "2016 Oct 07 at 3:39".

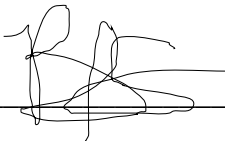
Ms. Freitas contends that her rights are somehow denied by the Proposed Minute Order. Her arguments are illogical. The appropriate time to ask for reconsideration of the Minute Order in question is after it is filed. It has not been filed yet. The filing of this Minute Order will trigger the process for reconsideration as set out herein.

Motion to Reconsider. A party, who believes it appropriate, may file a motion to reconsider using the procedure set out herein. Any Motion for Reconsideration shall not be used to reargue the motion or set out positions of a purely repetitious nature or to present factual or legal grounds that could or should have been presented at the original hearing. AMFAC, Inc. v. Waikiki Beachcomber Inv. Co., 74 Haw. 85, 114 (1992).

The deadline for submission of any **motion** to reconsider this minute order and/or the Order Setting Issues, is no later than **5 business days** after the date this Minute Order are filed in the Documents Library. Any **responses to motions to reconsider**, shall be submitted no later than **10 business days** after this motion and order are filed in the Documents Library; essentially 5 business days after the deadline for motions to reconsider.

Any Motion to Reconsider shall be considered a non-hearing motion unless otherwise designated by the Hearing Officer.

DATED: Honolulu, Hawai`i, October 10, 2016.



Judge Riki May Amano (Ret.)
Hearing Officer

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
Document title:
Minute Orders 21, 22, 23, 24, 25, 26, 27

(CORRECTED) CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced Minute Orders were served upon the following parties by the means indicated on October 10, 2016:

Carlsmith Ball LLP
isandison@carlsmith.com
tluikwan@carlsmith.com
jpm@carlsmith.com
lmcaneley@carlsmith.com
*Counsels for the applicant University
of Hawai'i at Hilo*

Kealoha Pisciotta and Mauna Kea
Anaina Hou
keomaivg@gmail.com

Clarence Kukauakahi Ching
kahiwaL@cs.com

E. Kalani Flores
ekflores@hawaiiintel.net

B. Pualani Case
puacase@hawaiiintel.net

Deborah J. Ward
cordylinecolor@gmail.com

Paul K. Neves
kealiikea@yahoo.com

Kahea: The Environmental Alliance
c.o. Bianca Isaki
bianca@kahea.org

Watanabe Ing LLP
rshinyama@wik.com
douging@wik.com
*Counsels for TMT International
Observatory, LLC*

Harry Fergerstrom
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
*Counsels for Perpetuating Unique
Educational Opportunities (PUEO)*

J. Leina'ala Sleightholm
leinaala.mauna@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@hawaiiintel.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

Wilma H. Holi
P. O. Box 368
Hanapepe, HI 96716
Witness for the Hearing Officer

Moses Kealamakia Jr.
mkealama@yahoo.com
Witness for the Hearing Officer

Patricia P. Ikeda
peheakeanila@gmail.com
Witness for the Hearing Officer

Signature: 
Name: Michael Cain
Date: October 11, 2016