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Lay representative for Temple of Lono

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 ) **TEMPLE OF LONO SUPPLEMENT**  
The Thirty Meter Telescope at the Mauna ) **TO MOTION TO STRIKE;**  
Kea Science Reserve, Kaohe Mauka, ) **DECLARATION OF**  
) **REPRESENTATIVE; COS**  
Hamakua District, Island of Hawai'i, )  
TMK (3) 4-4-015:009 )  
\_\_\_\_\_)

**TEMPLE OF LONO SUPPLEMENT TO MOTION TO STRIKE**

On October 12, 2016, the Temple of Lono filed its Motion to Strike for Failure to Serve or Extension of Time and Rescheduling of Hearing.

In that motion, the Temple brought to the attention of the Hearing Officer that the Telescope International Observatory LLC ("TIO") failed to serve various documents upon the parties, or at least some of the parties, including the Temple, when such service was due on October 11, 2016 by 4:30 p.m.

TIO did apparently serve their documents on the Custodian of Records for this proceeding.

The Temple moved to strike the TIO filings for the failure to serve the pleadings on all parties.

Received  
Office of Conservation and Coastal Lands  
2016 Oct 13 5:16 pm  
Department of Land and Natural Resources  
State of Hawaii

Despite the Temple having put TIO on notice twice of the failure to serve – once with an email on October 11, Memorandum in Support of Motion to Strike, Exhibit B, and then with the motion to strike on October 12 – TIO has still not served the Temple as of 5:00p.m. on October 13. Declaration of Representative ¶2.

The Temple has confirmed that a third party to this proceeding did not receive service of the TIO pleadings. Ibid. ¶3

Apparently TIO believes that there is no need to serve other parties in this proceeding. Or TIO believes that the Hearing Officer is so willing to do whatever it takes to secure the permit for the Applicant that the Hearing Officer will not enforce the rules against any ally of the Applicant. Whatever the reason, the failure to serve after being put on notice twice provides ample grounds for striking the TIO pleadings.

Dated: October 13, 2016

\_\_\_\_\_/s/\_\_\_\_\_  
Lanny Alan Sinkin  
Lay representative for Temple of Lono

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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 ) **DECLARATION OF REPRESENTATIVE;**  
The Thirty Meter Telescope at the Mauna )  
Kea Science Reserve, Kaohe Mauka, )  
Hamakua District, Island of Hawai'i, )  
TMK (3) 4-4-015:009 );  
)  
\_\_\_\_\_)

**DECLARATION OF REPRESENTATIVE**

I, LANNY ALAN SINKIN, declare the following to be true to the best of my knowledge and belief:

1. I represent the Temple of Lono in this proceeding.
2. As of 5:00 p.m. on October 13, 2016, the Temple has not received service of the TIO pleadings.
3. I did confirm with another party to this proceeding that they, too, have not been served with the TIO pleadings.

Dated: October 13, 2016

\_\_\_\_\_/s/\_\_\_\_\_  
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Lay representative for Temple of Lono

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)  
District Use Permit (CDUP) HA-3568 for ) **CERTIFICATE OF SERVICE**  
The Thirty Meter Telescope at the Mauna )  
Kea Science Reserve, Kaohe Mauka, )  
Hamakua District, Island of Hawai'i, )  
TMK (3) 4-4-015:009 )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

I hereby certify that on this day a copy of the **TEMPLE OF LONO SUPPLEMENT TO MOTION TO STRIKE and Declaration of Representative** was served on the following parties by eMail on October 13, 2016:

Michael Cain <michael.cain@hawaii.gov>, Kealoha Pisciotto-Keomailani Von Gogh <keomaivg@gmail.com>, Clarence Ching <kahiwaL@cs.com>, Uncle Kalani Flores <ekflores@hawaiiantel.net>, Pua Case <puacase@hawaiiantel.net>, cordylinicolor@gmail.com, kealiikea@yahoo.com, Bianca Isaki <bianca@kahea.org>, Ian Sandison <isandison@carlsmith.com>, tluikwan@carlsmith.com, John P. (Pete) Manaut <jpm@carlsmith.com>, Lindsay N. McAneeley <lmcaaneeley@carlsmith.com>, T. Shinyama' <RShinyama@wik.com>, douging@wik.com <douging@wik.com>, mehana kihoi <uhiwai@live.com>, Kahookahi Kanuha <kahookahi@gmail.com>, Joseph Camara <kualiic@hotmail.com>, lsa@torkildson.com <lsa@torkildson.com>, njc@torkildson.com <njc@torkildson.com>, leina'ala s <leinaala.mauna@gmail.com>, Maelani Lee <maelanilee@yahoo.com>, Lanny Sinkin <lanny.sinkin@gmail.com>, akulele@yahoo.com <akulele@yahoo.com>, s.tabbada@hawaiiantel.net <s.tabbada@hawaiiantel.net>, tiffniekakalia <tiffniekakalia@gmail.com>, Glen Kila <makakila@gmail.com>, Brannon Kealoha <brannonk@hawaii.edu>, hanahanai@hawaii.rr.com <hanahanai@hawaii.rr.com>, pohaku7@yahoo.com <pohaku7@yahoo.com>, Ivy McIntosh <3popoki@gmail.com>, Kealamakia Jr. <mkealama@yahoo.com>, Patricia Ikeda

[peheakeanila@gmail.com](mailto:peheakeanila@gmail.com), Yuklin Aluli [yuklin@kailualaw.com](mailto:yuklin@kailualaw.com), Dexter Kaiama  
<cdexk@hotmail.com>

and will be served by first class mail on October 14, 2016 to:

1. Dwight J. Vicente  
2608 Ainaola Drive  
Hilo, Hawaiian Kingdom

2. Harry Fergerstrom  
P.O. Box 951  
Kurtistown, HI 96760

3. Michael Cain, Custodian of Records  
Conservation and Coastal Lands  
1151 Punchbowl, Room 131  
Honolulu, Hawai'i 96813

Dated: October 13, 2016

\_\_\_\_\_/s/\_\_\_\_\_  
Lanny Alan Sinkin