

FLORES-CASE 'OHANA  
E. Kalani Flores  
P.O. Box 6918  
Kamuela, Hawaii 96743  
Email: [ekflores@hawaiiantel.net](mailto:ekflores@hawaiiantel.net)

Petitioner pro se

BOARD OF LAND AND NATURAL RESOURCES  
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	)	FLORES-CASE 'OHANA'S MOTION
the Thirty Meter Telescope at the Mauna	)	FOR 30 DAY EXTENSION OF START
Kea Science Reserve, Kaohe, Hamakua	)	OF CONTESTED CASE HEARING
District, Island of Hawai'i, TMK (3) 4-4-	)	
015:009	)	
	)	Hearing Officer: Riki Amano.
	)	
	)	
	)	

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**FLORES-CASE 'OHANA'S MOTION FOR 30 DAY EXTENSION OF  
START OF CONTESTED CASE HEARING**

Petitioner, E. KALANI FLORES, pro se, representing the FLORES-CASE 'OHANA, respectfully submits this motion requesting for a 30 day extension from the proposed start of this contested case hearing presently scheduled to commence on October 18, 2016.

Firstly, the voluminous amount of filings including motions, written direct testimonies, exhibits, pre-hearing statements, and other associated documents by parties as well as minute orders filed by the hearing officer in these past ten days has been colossal. The time of only two to three days to respond to these motions and minute orders have been unrealistic and have prejudiced us as parties. In addition, expecting to adequately prepare, read, and review the hundreds of pages of testimony and exhibits within only a week's time would again prejudice us and violate our due process rights.

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Office of Conservation and Coastal Lands  
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Department of Land and Natural Resources  
State of Hawaii

Secondly, having to assume immediate representation in this hearing pro se without any legal counsel would significantly impact our ability to proceed as such in a fair manner with the proposed start date of October 18th. This proposed date would not provide *reasonable* and sufficient time for us and others to adequately prepare for this contested case hearing.

Even the counsel for the Applicant (University of Hawaii at Hilo) in their STATEMENT OF POSITION RE SCHEDULING filed on October 14<sup>th</sup> “acknowledges that objections have been lodged by various parties to the current schedule based on the timing of the issuance of certain orders on substantive motions and related periods for reconsideration of those orders. The University believes that it would be in the interest of all parties to resolve those concerns, which have been further exacerbated by Mr. Wurdeman's last minute withdrawal as counsel from these proceedings, prior to the commencement of the contested case hearing.” The Applicant’s counsel further states, “[d]ue process affords the petitioners and intervenors to this case the right to notice and *an opportunity* to be heard...”

There would be no detriment or prejudice to other parties resulting from the granting of this motion. Based upon the Hawai‘i State and U.S. constitutional and statutory provisions protecting the fundamental substantive and procedural due process of the Flores-Case ‘Ohana and those similarly situated, the hearing officer is compelled to protect such rights. Therefore, this motion is warranted under these circumstances.

DATED: Pu‘ukapu, Hawai‘i, October 14, 2016



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**E. Kalani Flores**  
**Representing Flores-Case ‘Ohana**

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

BLNR Contested Case HA-16-02

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 on October 14, 2016:

Carlsmith Ball LLP  
[isandison@carlsmith.com](mailto:isandison@carlsmith.com)  
[tluikwan@carlsmith.com](mailto:tluikwan@carlsmith.com)  
[jpm@carlsmith.com](mailto:jpm@carlsmith.com)  
[lmcaneley@carlsmith.com](mailto:lmcaneley@carlsmith.com)  
*Counsels for the applicant University  
of Hawai'i at Hilo*

Kealoha Pisciotta and Mauna Kea  
Anaina Hou  
[keomaivg@gmail.com](mailto:keomaivg@gmail.com)

Clarence Kukauakahi Ching  
[kahiwaL@cs.com](mailto:kahiwaL@cs.com)

Flores-Case 'Ohana  
E. Kalani Flores  
[ekflores@hawaiiintel.net](mailto:ekflores@hawaiiintel.net)

B. Pualani Case  
[puacase@hawaiiintel.net](mailto:puacase@hawaiiintel.net)

Deborah J. Ward  
[cordylinecolor@gmail.com](mailto:cordylinecolor@gmail.com)

Paul K. Neves  
[kealiikea@yahoo.com](mailto:kealiikea@yahoo.com)

Kahea: The Environmental Alliance  
c.o. Bianca Isaki  
[bianca@kahea.org](mailto:bianca@kahea.org)

Watanabe Ing LLP  
[rshinyama@wik.com](mailto:rshinyama@wik.com)  
[douging@wik.com](mailto:douging@wik.com)  
*Counsels for TMT International  
Observatory, LLC*

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

Mehana Kihoi  
[uhiwai@live.com](mailto:uhiwai@live.com)

C. M. Kaho'okahi Kanuha  
[kahookahi@gmail.com](mailto:kahookahi@gmail.com)

Joseph Kualii Lindsey Camara  
[kualiic@hotmail.com](mailto:kualiic@hotmail.com)

Torkildson, Katz, Moore, Hetherington  
& Harris  
[lsa@torkildson.com](mailto:lsa@torkildson.com)  
[nic@torkildson.com](mailto:nic@torkildson.com)

*Counsels for Perpetuating Unique  
Educational Opportunities (PUEO)*

J. Leina'ala Sleightholm  
[leinaala.mauna@gmail.com](mailto:leinaala.mauna@gmail.com)

Maelani Lee  
[maelanilee@yahoo.com](mailto:maelanilee@yahoo.com)

Lanny Alan Sinkin  
[lanny.sinkin@gmail.com](mailto:lanny.sinkin@gmail.com)  
*Representative for The Temple of Lono*

Kalikolehua Kanaele  
[akulele@yahoo.com](mailto:akulele@yahoo.com)

Stephanie-Malia:Tabbada  
[s.tabbada@hawaiiintel.net](mailto:s.tabbada@hawaiiintel.net)

Tiffnie Kakalia  
[tiffniekakalia@gmail.com](mailto:tiffniekakalia@gmail.com)

Glen Kila  
[makakila@gmail.com](mailto:makakila@gmail.com)

Dwight J. Vicente  
2608 Ainaola Drive  
Hilo, Hawaiian Kingdom

Brannon Kamahana Kealoha  
[brannonk@hawaii.edu](mailto:brannonk@hawaii.edu)

Cindy Freitas  
[hanahanai@hawaii.rr.com](mailto:hanahanai@hawaii.rr.com)

William Freitas  
[pohaku7@yahoo.com](mailto:pohaku7@yahoo.com)

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

Ivy McIntosh  
[3popoki@gmail.com](mailto:3popoki@gmail.com)  
*Witness for the Hearing Officer*

Moses Kealamakia Jr.  
[mkealama@yahoo.com](mailto:mkealama@yahoo.com)  
*Witness for the Hearing Officer*

Patricia P. Ikeda  
[peheakeanila@gmail.com](mailto:peheakeanila@gmail.com)  
*Witness for the Hearing Officer*

Yuklin Aluli, Esq.  
Law Offices of Yuklin Aluli  
[yuklin@kailualaw.com](mailto:yuklin@kailualaw.com)  
Dexter Kaiama, Esq.  
Law Offices of Dexter K. Kaiama  
[cdexk@hotmail.com](mailto:cdexk@hotmail.com)  
*Counsels for KAHEA: THE  
ENVIRONMENTAL ALLIANCE*

Michael Cain  
Office of Conservation and Coastal Lands  
1151 Punchbowl Street, Room 131  
Honolulu, HI 96813  
[michael.cain@hawaii.gov](mailto:michael.cain@hawaii.gov)  
*Custodian of the Records*  
*(original + digital copy)*

DLNR Office of Conservation and Coastal Lands  
("OCCL")  
[dlnr.maunakea@hawaii.gov](mailto:dlnr.maunakea@hawaii.gov)

DATED: Pu'ukapu, Hawai'i, October 14, 2016



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**E. Kalani Flores**  
**Representing Flores-Case 'Ohana**