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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 JOINDER WITH**
The Thirty Meter Telescope at the Mauna) **FLORES-CASE 'OHANA MOTION FOR**
Kea Science Reserve, Kaohe Mauka,) **THIRTY-DAY EXTENSION OF START**
Hamakua District, Island of Hawai'i,) **OF CONTESTED CASE HEARING; COS**
TMK (3) 4-4-015:009)
_____)

TEMPLE OF LONO JOINDER WITH FLORES-CASE 'OHANA MOTION FOR THIRTY DAY EXTENSION OF START OF CONTESTED CASE

On October 14, 2016, the Flores-Case 'Ohana filed its Motion for Thirty-Day Extension of Start of Contested Case.

The Hearing Officer scheduled this proceeding in such a way that all parties had to file their opening statements, witness list and pre-filed testimony, and exhibit list and exhibits at the same time. The Hearing Officer ignored repeated requests by intervenors to have the Applicant present its case first and then provide time for intervenors to prepare responsive pleadings to the Applicant's case.

As a result, all parties submitted their voluminous evidentiary hearing pleadings on October 11 with the first hearing date set for October 18.

As of October 14, 2016, the submittals to the Custodian of Records¹ are:

¹ <http://dlnr.hawaii.gov/mk/evidentiary-hearing-submittals/>

Party	Prehearing (pages)	Witnesses	Exhibits
UH	30	15	122
Mauna Kea Anaina	14	21	117
TIO	55	10	34
Mehana Kihoi	2	7	15
Joseph Camara	(missing)	4	9
PUEO	4	5	
Temple of Lono	5	1	15
Kalikolehua Kanaele		3	1
Tiffanie Kakalia	2	4	15
Dwight Vicente	3	1	
Brannon Kamahana Kealoha	13	1	9
Cindy Freitas	4	2	6
William Freitas		3	21
TOTALS	132	77	364 ²

Under the Hearing Officer’s schedule, the Temple of Lono was required to review and understand 127 pages of opening statements, 76 witness statements, and 359 exhibits³ in three days to determine which witnesses to designate for cross-examination.

Those three days are also part of the week preceding the initiation of the Contested Case Hearing on October 18, 2016. That first hearing day begins with the Applicant’s case for which the Applicant has submitted a 30 page pre-hearing statement, 15 witness statements, and 122 exhibits.⁴

² Of course the exhibit count is the number of exhibits; those exhibits contain hundreds of pages.

³ This count differs from the chart because the Temple’s pleadings are excluded.

⁴ During the same time period, the Temple has had to deal with the Telescope International Observatory LLC’s failure to serve its pleadings on all parties. See

Given the totally unreasonable schedule and the voluminous submissions, the Flores-Case 'Ohana's request to continue the hearing date by thirty days is a reasonable request.

Dated: October 15, 2016

Respectfully submitted,

_____/s/_____
Lanny Alan Sinkin
Lay Representative of Temple of Lono

Temple of Lono Motion to Strike for Failure to Serve or Extension of Time and Rescheduling of Hearing and two supplements thereto filed on October 12 and 13.

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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 JOINDER WITH FLORES-CASE 'OHANA MOTION FOR THIRTY DAY EXTENSION OF START OF CONTESTED CASE** was served on the following parties by eMail on October 15, 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>, cordylinecolor@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 <lmcaneley@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>, Yuklin Aluli <yuklin@kailualaw.com>, Dexter Kaiama <cdexk@hotmail.com>

and will be served by first class mail on October 15, 2015 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 15, 2016

_____/s/_____
Lanny Alan Sinkin