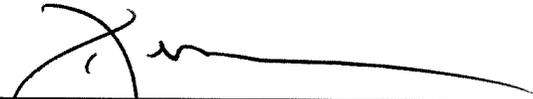


joins in Temple of Lono's Motion to Strike for Failure to Serve or Extension of Time and Rescheduling of Hearing filed herein on October 12, 2016.

DATED: Kailua, Hawaii, 10/17/16.

181

Yuklin Aluli
Co-counsel for Petitioner KAHEA:
The Hawaiian Environmental Alliance,
a domestic non-profit Corporation



Dexter K. Kaiama
Co-counsel for Petitioner KAHEA:
The Hawaiian Environmental Alliance,
a domestic non-profit Corporation

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

In the Matter of:) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re) **DECLARATION OF DEXTER KAIAMA;**
Conservation District Use Permit) **EXHIBITS "A-B"**
(COUP) HA-3568 for 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 DEXTER KAIAMA

DEXTER KAIAMA, under penalty of perjury, avers, deposes and says that:

1. Currently, I serve as co-legal counsel for Petitioner KAHEA: The Environmental Alliance (hereinafter "KAHEA") in the instant BLNR proceedings.
2. KAHEA joins the Motion to Strike for Failure to Serve or Extension of Time and Rescheduling of Hearing, filed herein by Temple of Lono on October 12, 2016.
3. Attached to this declaration as Exhibit "A" is a true and correct copy of the October 13, 2016 e-mail sent from Francis Soares of Watanabe Ing LLP (J. Douglas Ing, Ross T. Shinyama and Summer H. Kaiawe), counsel for TMT International Observatory, LLC (hereinafter "TIO"), to Attorney Richard Naiwieha Wurdeman.
4. Attached to this declaration as Exhibit "B" is a true and correct copy of the October 13, 2016 e-mail sent from Francis Soares of Watanabe Ing LLP (J. Douglas

Ing, Ross T. Shinyama and Summer H. Kaiawe), counsel for TMT International Observatory, LLC (hereinafter "TIO"), to Bianca Isaki, officer of KAHEA.

5. KAHEA, like Temple of Lono, was not served with documents TIO (apparently) by the October 11, 2016 deadline. The emails sent from Watanabe Ing LLP (Exhibits "A-B") affirms KAHEA's claim.

6. I, as co-counsel for KAHEA, did not receive and was not served copies of documents TIO (apparently) filed by the October 11, 2016 deadline, including but not limited to, TIO's Exhibit List and Exhibits and TIO's Witness List and Witness Testimony. To date, I have not received any emails from counsel (or representative(s) of their firm) attaching said documents filed by TIO.

7. My co-counsel, Yuklin Aluli, also did not receive and was not served copies of said same documents TIO filed by the October 11, 2016 deadline.

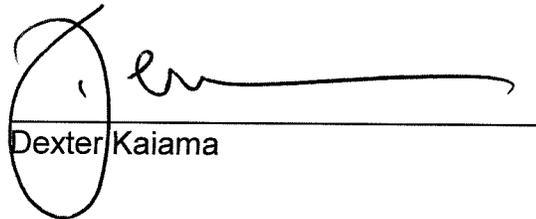
8. I did, however, receive an email from Mr. Michael Cain at OCCL on October 12, 2016, sent at approximately 2:23 p.m., which notified parties, including Ms. Aluli and Ms. Isaka, that documents were now online and with a link to the Mauna Kea documents library. That link did provide the documents not served by TIO.

9. While a fair statement may be made that our recent entry into the case, as co-counsel for KAHEA (neither Ms. Aluli or I are listed on TIO's Certificate of Service), explains the non and/or untimely service, TIO cannot reasonable explain their failure to timely serve their documents upon KAHEA, either through Ms. Bianca Isaka (identified on TIO's certificate of service) or Attorney Wurdeman.

10. Under the circumstances set forth herein above, good cause exists for the granting of Temple of Lono's Motion to Strike, or in the alternative, for an extension of the contested case hearing and submissions deadlines.

I declare under penalty of law that the foregoing is true and correct.

Executed on this 1th day of October, 2016, at Kailua, Hawaii.


Dexter Kaiama

Yuklin Aluli

From: Richard N. Wurdeman <rnwurdeman@rnwlaw.com>
Sent: Thursday, October 13, 2016 5:24 PM
To: yuklinaluli@gmail.com; yuklin@kailualaw.com; Dexter Kaiama
Subject: Fwd: BLNR Contested Case Hearing HA 16-002

----- Forwarded message -----

From: Frances M. Soares <FSoares@wik.com>
Date: Tuesday, October 11, 2016
Subject: BLNR Contested Case Hearing HA 16-002
To: "michael.cain@hawaii.gov" <michael.cain@hawaii.gov>, "dlnr.maunakea@hawaii.gov" <dlnr.maunakea@hawaii.gov>, "isandison@carlsmith.com" <isandison@carlsmith.com>, "RNWurdeman@RNWLaw.com" <RNWurdeman@rnwlaw.com>, "akulele@yahoo.com" <akulele@yahoo.com>, "uhiwai@live.com" <uhiwai@live.com>, "kahookahi@gmail.com" <kahookahi@gmail.com>, "kualiic@hotmail.com" <kualiic@hotmail.com>, "lsa@torkildson.com" <lsa@torkildson.com>, "njc@torkildson.com" <njc@torkildson.com>, "leina.ala.s808@gmail.com" <leina.ala.s808@gmail.com>, "maelanilee@yahoo.com" <maelanilee@yahoo.com>, "lanny.sinkin@gmail.com" <lanny.sinkin@gmail.com>, "s.tabbada@hawaiiantel.net" <s.tabbada@hawaiiantel.net>, "tiffniekakalia@gmail.com" <tiffniekakalia@gmail.com>, "makakila@gmail.com" <makakila@gmail.com>, "brannonk@hawaii.edu" <brannonk@hawaii.edu>, "hanahanai@hawaii.rr.com" <hanahanai@hawaii.rr.com>, "pohaku7@yahoo.com" <pohaku7@yahoo.com>, "kekaukike@msn.com" <kekaukike@msn.com>, "tluikwan@carlsmith.com" <tluikwan@carlsmith.com>, "jpm@carlsmith.com" <jpm@carlsmith.com>, "lmcaneley@carlsmith.com" <lmcaneley@carlsmith.com>, "ekfiores@hawaiiantel.net" <ekfiores@hawaiiantel.net>, "kealiikea@yahoo.com" <kealiikea@yahoo.com>, "keomaivg@gmail.com" <keomaivg@gmail.com>, "puacase@hawaiiantel.net" <puacase@hawaiiantel.net>, "bianca@kahea.org" <bianca@kahea.org>, "kahiwaL@cs.com" <kahiwaL@cs.com>, "cordylinecolor@gmail.com" <cordylinecolor@gmail.com>
Cc: "J. Douglas Ing" <DougIng@wik.com>, "Denise H. Kameda" <DKameda@wik.com>, "Summer H. Kaiawe" <SKaiawe@wik.com>, "Ross T. Shinyama" <RShinyama@wik.com>, "Ellen A. Yamamoto" <EYamamoto@wik.com>, "Charlene M. Moriwaki" <CMoriwaki@wik.com>

Frances Soares

Secretary to Michael C. Bird, Esq.

& Summer H. Kaiawe, Esq.
Watanabe Ing LLP
A Limited Liability Law Partnership
First Hawaiian Center, 23rd Floor
999 Bishop Street

EXHIBIT "A"

Honolulu, HI 96813
Telephone: (808) 544-8300
Facsimile: (808) 544-8399
e-mail: fsoares@wik.com

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--

Sincerely,

Richard Naiwieha Wurdeman
Attorney at Law, A Law Corporation
1003 Bishop Street
Pauahi Tower, Suite 720
Honolulu, HI 96813
Telephone: (808) 536-0633
Facsimile: (808) 536-0634
RNWurdeman@RNWLaw.com

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Yuklin Aluli

From: Bianca Isaki <bianca@kahea.org>
Sent: Thursday, October 13, 2016 5:14 PM
To: Yuklin Aluli; Dexter Kaiama; Yuklin Aluli; Mana Taylor
Subject: Fwd: BLNR Contested Case Hearing HA 16-002

Here's what I got on Oct 11th. It had nothing attached to it nor text within the body.

----- Forwarded message -----

From: **Frances M. Soares** <FSoares@wik.com>
Date: Tue, Oct 11, 2016 at 4:26 PM
Subject: BLNR Contested Case Hearing HA 16-002
To: "michael.cain@hawaii.gov" <michael.cain@hawaii.gov>, "dlnr.maunakea@hawaii.gov" <dlnr.maunakea@hawaii.gov>, "isandison@carlsmith.com" <isandison@carlsmith.com>, "RNWurdeman@RNWLaw.com" <RNWurdeman@rnwlaw.com>, "akulele@yahoo.com" <akulele@yahoo.com>, "uhiwai@live.com" <uhiwai@live.com>, "kahookahi@gmail.com" <kahookahi@gmail.com>, "kualiic@hotmail.com" <kualiic@hotmail.com>, "lsa@torkildson.com" <lsa@torkildson.com>, "njc@torkildson.com" <njc@torkildson.com>, "leina.ala.s808@gmail.com" <leina.ala.s808@gmail.com>, "maelanilee@yahoo.com" <maelanilee@yahoo.com>, "lanny.sinkin@gmail.com" <lanny.sinkin@gmail.com>, "s.tabbada@hawaiiantel.net" <s.tabbada@hawaiiantel.net>, "tiffniekakalia@gmail.com" <tiffniekakalia@gmail.com>, "makakila@gmail.com" <makakila@gmail.com>, "brannonk@hawaii.edu" <brannonk@hawaii.edu>, "hanahanai@hawaii.rr.com" <hanahanai@hawaii.rr.com>, "pohaku7@yahoo.com" <pohaku7@yahoo.com>, "kekaukike@msn.com" <kekaukike@msn.com>, "tluikwan@carlsmith.com" <tluikwan@carlsmith.com>, "jpm@carlsmith.com" <jpm@carlsmith.com>, "lmcaneley@carlsmith.com" <lmcaneley@carlsmith.com>, "ekflores@hawaiiantel.net" <ekflores@hawaiiantel.net>, "kealiikea@yahoo.com" <kealiikea@yahoo.com>, "keomaivg@gmail.com" <keomaivg@gmail.com>, "puacase@hawaiiantel.net" <puacase@hawaiiantel.net>, "bianca@kahea.org" <bianca@kahea.org>, "kahiwaL@cs.com" <kahiwaL@cs.com>, "cordylinecolor@gmail.com" <cordylinecolor@gmail.com>
Cc: "J. Douglas Ing" <DougIng@wik.com>, "Denise H. Kameda" <DKameda@wik.com>, "Summer H. Kaiawe" <SKaiawe@wik.com>, "Ross T. Shinyama" <RShinyama@wik.com>, "Ellen A. Yamamoto" <EYamamoto@wik.com>, "Charlene M. Moriwaki" <CMoriwaki@wik.com>

Frances Soares

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& Summer H. Kaiawe, Esq.
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--

Bianca Isaki, Ph.D., Esq.
KAHEA: The Hawaiian-Environmental Alliance
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Honolulu, Hawai'i 96837
808.927.5606

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

In the Matter of:) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re:) **CERTIFICATE OF SERVICE**
Conservation District Use Permit)
(COUP) HA-3568 for 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

We hereby certify that a copy of the foregoing was served on the following via email unless otherwise specified below:

Michael Cain
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(original+ digital copy)*

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Counsel for University of Hawai'i at Hilo

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Mauna Kea Anaina Hou
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Clarence Kūkauakahi Ching
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DATED: Kailua, Hawaii, 10/17/16

151

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Co-counsel for Petitioner KAHEA
The Hawaiian Environmental Alliance,
a domestic non-profit Corporation