

CARLSMITH BALL LLP

IAN L. SANDISON 5597  
TIM LUI-KWAN 2271  
JOHN P. MANAUT 3989  
ASB Tower, Suite 2100  
1001 Bishop Street  
Honolulu, HI 96813  
Tel No. 808.523.2500  
Fax No. 808.523.0842  
[isandison@carlsmith.com](mailto:isandison@carlsmith.com)  
[tluikwan@carlsmith.com](mailto:tluikwan@carlsmith.com)  
[JPM@carlsmith.com](mailto:JPM@carlsmith.com)

Attorneys for Applicant  
UNIVERSITY OF HAWAI'I AT HILO

RECEIVED  
OFFICE OF CONSERVATION  
AND COASTAL LANDS

2017 JAN 19 A 11:12

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

Contested Case Hearing Re Conservation  
District Use Application (CDUA) HA-3568 for  
the Thirty Meter Telescope at the Mauna Kea  
Science Reserve, Ka'ohe Mauka, Hāmakua,  
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

THE UNIVERSITY OF HAWAI'I AT  
HILO'S **MOTION TO QUASH FLORES-  
CASE 'OHANA'S REQUEST FOR  
SUBPOENA FOR "JOHN DOE" AND  
FOR A SUBPOENA DUCES TECUM  
TO DISCLOSE UNIDENTIFIED  
MAUNAKEA OBSERVATORIES  
SUPPORT SERVICES EMPLOYEE  
INVOLVED WITH THE DESTRUCTION  
OF AHU (SHRINE) ON MAUNA KEA IN  
AUGUST OF 2015, FILED JANUARY 12,  
2017; MEMORANDUM IN SUPPORT OF  
MOTION; DECLARATION OF  
COUNSEL; EXHIBIT 1; CERTIFICATE  
OF SERVICE**

**THE UNIVERSITY OF HAWAI'I AT HILO'S  
MOTION TO QUASH FLORES-CASE 'OHANA'S REQUEST FOR SUBPOENA  
FOR "JOHN DOE" AND FOR A SUBPOENA DUCES TECUM TO  
DISCLOSE UNIDENTIFIED MAUNAKEA OBSERVATORIES SUPPORT SERVICES  
EMPLOYEE INVOLVED WITH THE DESTRUCTION OF AHU  
(SHRINE) ON MAUNA KEA IN AUGUST OF 2015, FILED JANUARY 12, 2017**

The University of Hawai'i at Hilo (the "University"), by and through its counsel

Carlsmith Ball LLP, hereby submits its Motion to Quash Flores-Case 'Ohana's Request for Subpoena for "John Doe" and for a Subpoena Duces Tecum to Disclose Unidentified Maunakea Observatories Support Services Employee Involved With the Destruction of Ahu (Shrine) on Mauna Kea in August of 2015, filed January 12, 2017 ("**Motion**"). The University moves the Hearing Officer for an order quashing the subpoena requested by the Flores-Case 'Ohana. This Motion is made pursuant to Hawai'i Rules of Civil Procedure Rule 45 and Hawai'i Administrative Rules ("**HAR**") §§ 13-1-32(c), 33, and 34, and is based on the supporting memorandum and the pleadings filed herein.

DATED: Honolulu, Hawai'i, January 19, 2017.



---

IAN L. SANDISON  
TIM LUI-KWAN  
JOHN P. MANAUT

Attorneys for Applicant  
UNIVERSITY OF HAWAI'I AT HILO

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

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

Case No. BLNR-CC-16-002

MEMORANDUM IN SUPPORT OF  
MOTION

**MEMORANDUM IN SUPPORT OF MOTION**

**I. INTRODUCTION**

On January 12, 2017, the Flores-Case 'Ohana filed a Request for Subpoena for "John Doe" and for a Subpoena Duces Tecum to Disclose Unidentified Maunakea Observatories Support Services Employee Involved With the Destruction of Ahu (Shrine) on Mauna Kea in August of 2015, filed January 12, 2017 ("**Request**") to compel Stephanie Nagata; and/or Stewart Hunter<sup>1</sup> to produce documents sufficient to disclose the identity of "Joe Doe" in order to ascertain which Maunakea Observatories Support Services ("**MKSS**") employee should be properly served with this subpoena in connection with the removal of the ahu on the access road leading to the summit between mile markers 3 and 3.5. Request at 1.

The Request implicitly admits that it seeks the subpoena as an end-run around the Hearing Officer's refusal to order discovery between the parties. Moreover, the Request does not even attempt to explain how identification or the testimony of the MKSS employee would be relevant and material to any of the issues set forth in Minute Order No. 19. Rather than argue relevance or materiality, Flores-Case 'Ohana's basis for its Request is that it wants to interrogate

---

<sup>1</sup> While the Request names "Steward Hunter," the University assumes for the purposes of this memorandum that the intent was to name Mr. Stewart Hunter.

additional witnesses concerning the removal of the ahu. However, the Request appears designed to harass and intimidate the unnamed employee. Thus, the risk of harm and prejudice far outweighs any probative value of the proposed fishing expedition.

Lastly, Mr. Meizenthal's prior statement in an article published more than a year before the start of the evidentiary hearings cannot support the last-minute Request for a subpoena. The inconsistencies between Mr. Meizenthal's statements and Ms. Nagata's testimony alleged in the Request are contrived and, in any event, are properly the subject of impeachment. The Flores-Case 'Ohana indisputably had the opportunity to impeach Ms. Nagata on the alleged contradictory statements by Mr. Meizenthal, but chose not to do so. It now must bear the consequence of that strategic choice.

Accordingly, the Request has failed to show any good cause, relevance, or materiality that would justify granting the Request. The University respectfully requests that the Hearing Officer issue an order quashing the Request.

## **II. LEGAL STANDARD**

Under Hawai'i Administrative Rules ("HAR") § 13-1-33(a)(1), a request for issuance of a subpoena must "state the reasons why the testimony of the witness is believed to be *material and relevant* to the issues involved." (Emphasis added). Implicit in that requirement is that the Hearing Officer must decline to issue a subpoena where the anticipated testimony is not material or relevant to the issues involved.

Moreover, the Hearing Officer is empowered with the broad discretion to exclude evidence that she deems disruptive, unnecessary or repetitive. The administrative rules give the Hearing Office the authority to "dispose of other matters that normally and properly arise in the course of a hearing authorized by law that are necessary for the orderly and just conduct of a hearing." HAR § 13-1-32(c). More specifically, the Hearing Officer is granted the discretion to

limit the presentation of witnesses to facilitate the orderly resolution of a hearing: “To avoid unnecessary or repetitive evidence, the presiding officer may limit the number of witnesses, the extent of direct or cross examination or the time for testimony upon a particular issue.” *Id.* § 13-1-32(h).

As the Hawai‘i Supreme Court has made clear, “contested case hearing[s] afford . . . parties *extensive procedural protections similar to those afforded parties in a civil bench trial before a judge.*” *Mauna Kea Anaina Hou v. Bd. of Land and Natural Res.*, 136 Hawai‘i 376, 391, 363 P.3d 224, 239 (2015) (emphasis added). In civil trials, parties are protected from subpoenas that are “unreasonable and oppressive.” Haw. R. Civ. P. (“**HRC**P”) Rule 45; *Powers v. Shaw*, 1 Haw.App. 374, 376, 619 P.2d 1098, 1101 (1980) (“Rule 45(b), Hawai‘i Rules of Civil Procedure, provides that a motion to quash a *subpoena duces tecum* may be granted if it is unreasonable and oppressive.”). Based on the reasoning articulated in *Mauna Kea*, contested case hearings similarly afford the parties protection against “unreasonable and oppressive” subpoenas.

Under HRC 45, a subpoena for information that is irrelevant or immaterial is considered “unreasonable and oppressive.” *See, e.g., Bank of Hawaii v. Shaw*, 83 Hawai‘i 50, 64, 924 P.2d 544, 558 (App. 1996) (holding that an order quashing a *subpoena duces tecum* that was not served by defendant until one day prior to start of trial on a witness who had no personal knowledge of facts of case, was not an abuse of discretion, where defendant made no offer to show how witness’ testimony was specifically material to case). Courts also will quash subpoenas if they appear designed to annoy and harass. *See, e.g., Mattel, Inc. v. Walking Mountain Prods.*, 353 F.3d 792, 814 (9th Cir. 2003) (affirming the lower court’s ruling quashing a subpoena that “served for the purpose of annoying and harassment and not really for the

purpose of getting information”).

### **III. DISCUSSION**

#### **A. THE REQUEST IS IRRELEVANT AND IMMATERIAL TO THE ISSUES IN THIS CASE**

As discussed, HAR § 13-1-33(a)(1) requires a request for issuance of a subpoena to “state the reasons why the testimony of the witness is believed to be *material and relevant* to the issues involved.” (Emphasis added). Consistent with that rule, the Hearing Officer has, on multiple occasions, instructed the parties that any request for subpoena must be accompanied by a showing of good cause and an offer of proof. The Request meets neither requirement.

The stated reasons for the Request are “[t]o complete the record with an accurate account surrounding the removal of this ahu associated with constitutionally protected Native Hawaiian traditional and customary practices,” and “in part” because evidentiary discovery was not ordered in this case. Request at 2. As an initial matter, the Hearing Officer has not allowed discovery in this case. The subpoena process should not be used as an end-run around discovery limits. Also, whether evidentiary discovery is available in a proceeding has no bearing on whether testimony would be material and relevant to the issues in this contested case proceeding. Furthermore, other than a vague statement that it wants to “[t]o complete the record,” the Flores-Case ‘Ohana has made no offer of proof as to how the requested information is relevant to the specific issues in this case. These reasons alone justify denial of the Request. *See Bank of Hawaii*, 83 Hawai‘i at 64, 924 P.2d 544, 558 (affirming the lower court’s order quashing a *subpoena duces tecum* where defendant made no offer to show how the witness’ testimony was specifically material to case).

Denial is even more appropriate here because compelling the identification and testimony of the MKSS employee would serve no purpose other than to subject that employee to

intimidation and harassment. *See Mattel*, 353 F.3d at 814. Additionally, compelling the University, the Office of Mauna Kea Management (“OMKM”) or MKSS to provide the name of the employee would force them to disclose confidential information. Research Corporation of the University of Hawai‘i Policy 3.420, paragraph 3 states that “[a]ll corrective and disciplinary actions will be kept confidential.” Ex. 1. To the extent that the University is able to by its rules, the University and OMKM have provided the necessary information and circumstances regarding the incident. The identity of the specific employee that was involved in the incident is not relevant or material and cannot outweigh the cognizable and substantial harm to the employee, the University, OMKM, and MKSS if the Hearing Officer grants the Request to compel disclosure and testimony.

To the extent the Flores-Case ‘Ohana alleges that Mr. Dan Meizenthal’s statement in a Hawaii Tribune Herald article published on September 16, 2015 contradicts Ms. Nagata’s testimony, that argument is based on a false premise. Ms. Nagata’s testimony did not contradict Mr. Meizenthal’s statement. The Request alleges that Ms. Nagata’s statement that the ahu was removed by accident contradicts Mr. Meizenthal’s statement that the ahu was moved by an employee who “needed to get the material so, unfortunately, he removed the ahu[.]” *See Exhibit B.02j* at 2. There is nothing in Mr. Meizenthal’s statement indicating whether the employee’s action in removing the ahu was an accident. Therefore, even if a conflicting statement was sufficient justification of the subpoena—which it is not—no such contradiction exists here.

B. THE PROPER MECHANISM TO INTRODUCE EVIDENCE OF MR. MEIZENTHAL’S STATEMENT WAS THROUGH IMPEACHMENT

Even if Ms. Nagata’s testimony conflicted with Mr. Meizenthal’s statement, the proper mechanism to confront Ms. Nagata with that evidence was through impeachment. The general rule is “cross-examination is the principal means by which the believability of a witness and the

truth of his testimony are tested.” *State v. Pond*, 118 Hawai‘i 452, 463, 193 P.3d 368, 379 (2008) (citations omitted). The Flores-Case ‘Ohana had ample notice, time, and opportunity to impeach Ms. Nagata. Mr. Meizenthal’s statement was published on September 16, 2015—more than a year before the start of this evidentiary hearing. It is indisputable that the Flores-Case ‘Ohana was aware of the statement prior to Ms. Nagata’s prior testimony; Exhibit B.02j was filed on October 11, 2016. Ms. Nagata’s written testimony was available since October 11, 2016, and her oral testimony began on December 8, 2016. Mr. Kalani Flores, a member of the Flores-Case ‘Ohana, did not cross-examin Ms. Nagata until December 12, 2016, giving him ample time to prepare his cross-examination of Ms. Nagata. Decl. of Counsel ¶ 4. Exhibit B.02j was certainly available for Mr. Flores’s use at that time, but he did not attempt to impeach Ms. Nagata or otherwise question her concerning Mr. Meizenthal’s statement. Having waived its opportunity to attempt to directly impeach Ms. Nagata through cross-examination, the Flores-Case ‘Ohana offers no good cause justification as to why the Hearing Officer should grant the present Request to allow for an attempt at indirect impeachment.

Accordingly, the Request does not meet the standard to grant a subpoena under HAR § 13-1-33(a)(1) and the Hearing Officer should therefore grant the Motion to quash the subpoena.

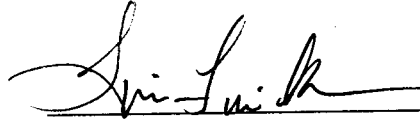
#### IV. CONCLUSION

For the reasons stated above, the University submits that the Flores-Case ‘Ohana has not met its burden to show that the identification and testimony of the unnamed employee is relevant or material to the issues set forth in this contested case proceeding. In light of the lack of good cause, the harm to the unnamed employee, the University, OMKM, and MKSS far outweighs the Flores-Case ‘Ohana’s desire to accuse, harass and interrogate another witness concerning the removal of the ahu. The Flores-Case ‘Ohana had adequate opportunity through its lengthy cross-examination of Ms. Nagata to attempt to impeach her concerning Mr. Meizenthal’s statement,



but it chose not to do so. It must now bear the consequences of that decision. Therefore, the University respectfully requests that the Hearing Officer issue an order quashing the Request.

DATED: Honolulu, Hawai'i, January 19, 2017.



---

IAN L. SANDISON  
TIM LUI-KWAN  
JOHN P. MANAUT

Attorneys for Applicant  
UNIVERSITY OF HAWAI'I AT HILO

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

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

Case No. BLNR-CC-16-002

DECLARATION OF COUNSEL

**DECLARATION OF COUNSEL**

I, TIM LUI-KWAN, declare:

1. I am a partner at the law firm of Carlsmith Ball LLP, counsel for UNIVERSITY OF HAWAI'I AT HILO (“University”), in the above-captioned matter.
2. I am authorized and competent to testify to the matters set forth herein, and unless otherwise indicated, I make this declaration based upon my personal knowledge.
3. I appeared on behalf of the University during the December 12, 2016 contested case hearing in the above-captioned matter, presided over by the Honorable Riki May Amano.
4. Based upon a review of the notes of colleagues and my own recollection of the proceedings, during the December 12, 2016 contested hearing in the above captioned matter, Mr. Flores, on behalf of the Flores-Case 'Ohana, completed his cross-examination of Ms. Nagata.
5. Based upon a review of the notes of colleagues and my own recollection of the proceedings, during the December 12, 2016 contested hearing in the above captioned matter, all parties having completed their cross-examination of Ms. Nagata, the Hearing Officer excused Ms. Nagata as a witness.
6. Attached hereto as Exhibit 1 is a true and correct copy of the Research Corporation of the University of Hawai'i Policy 3.420 regarding Adverse-Corrective Action.

This declaration is made upon personal knowledge and is filed pursuant to Rule 7(b) of the Rules of the Circuit Courts of the State of Hawai'i. I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, January 19, 2017.

A handwritten signature in black ink, appearing to read 'Tim Lui-Kwan', written over a horizontal line.

TIM LUI-KWAN



RCUH Documents &gt; Policies and Procedures &gt; 3.000 Human Resources &gt; 3.420 RCUH Adverse-Corrective Action

## 3.420 RCUH Adverse-Corrective Action

### Table of contents

No headers

Date Composed: 08/07/1997

Date Modified: 11/01/2007, 05/28/2014

Revised: 11/2007, 05/28/2014

#### Policy:

All RCUH employees are required to meet certain standards of work performance and workplace conduct. When employees do not meet specified standards, corrective and disciplinary actions may be warranted. It is the RCUH's policy to address employee work performance and conduct with corrective and disciplinary action(s). Its purpose is to correct the issue(s), and encourage employees to improve their conduct or performance for continuation of employment.

This policy will provide Principal Investigators with guidelines relating to the corrective and disciplinary action process.

#### Applies to:

This policy applies to all Principal Investigators who employ RCUH Regular-Status employees. The actions described in the policy apply to all non-probationary Regular-status employees, regardless of FTE.

#### Details of Policy:

- 1) **Principal Investigators May Use Various Types of Corrective and Disciplinary Actions:** Principal Investigators may use any of the following actions (as applicable) to correct an employee's behavior or work performance:
  - a) **Informal Counseling:** An informal (not documented) meeting between the employee and his/her immediate supervisor and/or Principal Investigator.
  - b) **Formal Counseling:** A formal (documented) meeting between the employee and his/her immediate supervisor and/or Principal Investigator.
  - c) **Disciplinary Reprimand (Warning):** A verbal or written reprimand may be issued for poor or unacceptable behavior and/or poor or unsatisfactory work performance.
  - d) **Disciplinary Suspension Without Pay:** A suspension without pay may be imposed on an employee for a serious violation or repeated/continued behavior or performance problems. Length of the suspension will be dependent upon the circumstances, as deemed appropriate by the RCUH Director of Human Resources.
  - e) **Performance Probation:** An employee may be placed on probation for poor or unsatisfactory work performance or for poor or unacceptable behavior. Probation will serve as a "last warning" and will remain in

### EXHIBIT 1

effect until rescinded. The length of the probationary period will be of sufficient duration to give the supervisor an opportunity to do a final evaluation of the employee's performance or behavior. The RCUH reserves the right to take necessary employment action against the employee on probation before the probation duration expires if the circumstances justify such an action.

f) **Termination of Employment:** An employee may be terminated from employment due to poor behavior or unsatisfactory work performance.

2) **Disciplinary Actions Need Not Follow a Progressive Scheme:** Disciplinary steps may be omitted or repeated, depending on the nature and circumstances of the employee's work performance and/or workplace conduct, as deemed appropriate by the RCUH Director of Human Resources.

3) **Confidentiality of Disciplinary Actions:** All corrective and disciplinary actions will be kept confidential.

#### Procedures:

1) **Procedures for Principal Investigator/Designees Issuing Disciplinary Action to an Employee:**

a) **Principal Investigator Must Notify RCUH of Performance or Conduct Issues:** The Project's Principal Investigator or authorized designee will advise the RCUH Director of Human Resources of all work performance and/or workplace conduct issues for guidance.

b) **Principal Investigator Must Consult with the RCUH Director of Human Resources on Certain Disciplinary Actions:** Before proceeding with the following disciplinary actions, Principal Investigators/Designees must first consult with the RCUH Director of Human Resources prior to taking any action. The RCUH Director of Resources must approve the following actions:

- i. Disciplinary Reprimands
- ii. Disciplinary Suspensions
- iii. Terminations of Employment

2) **Procedures for Documenting Disciplinary Actions:**

a) **Informal Counseling:** Documentation of the meeting is not required but recommended. However, the date (s) and parties involved in the informal meeting should be noted.

b) **Formal Counseling:** Documentation in the form of meeting minutes or a summary of the meeting is required for this formal meeting. The employee should be provided a copy of these minutes/summary. A copy of this documentation should also be provided to the Director of Human Resources for the employee's personnel file.

c) **Disciplinary Reprimand (Warning):** For verbal and written reprimands, documentation is required, in the form of a memo to the employee, notating the date of issuance, the name of the issuing party, the performance/conduct that is being addressed, and the corrective measures taken. The reprimand must be provided to the employee and the Director of Human Resources for the employee's personnel file.

d) **Disciplinary Suspension Without Pay:** A written notice explaining the duration and reasons for the suspension must be provided to the employee and the Director of Human Resources for the employee's personnel file.

e) **Performance Probation:** A written notice explaining the following: (1) duration of performance probation, (2) reason(s) for the performance probation, (3) expectations during performance probation period, and (4) consequence(s) if not able to pass performance probation must be provided to the employee and the Director of Human Resources for the employee's personnel file.

f) **Termination of Employment:** The employee will be provided a written notice of his/her termination (specifying the reason for the termination and effective date of the termination). The employee will also be provided an opportunity to appeal the termination (via a written appeal to the RCUH Director of Human Resources). See Policy #3.285 RCUH Termination of Employment.

**Responsibilities:**

Unit/Person	Responsibilities
RCUH Employee	Maintain established standards of employee workplace conduct and satisfactory work performance.
Principal Investigator	Address performance and/or conduct issues in a timely manner.  Advise the RCUH Director of Human Resources of all work performance and/or workplace conduct issues for guidance.

**Related Policies/Links:**

Policy #3.285 RCUH Termination of Employment

**Questions? Contact:**

Contact	Phone Number	Email:
Nelson Sakamoto  Director of Human Resources	(808) 956-6965	nsakamoto@rcuh.com

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

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

Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

The undersigned certifies that the above-referenced document was served upon the following parties by email unless indicated otherwise:

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

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)*

DAVE M. LOUIE, ESQ.  
CLIFFORD K. HIGA, ESQ.  
NICHOLAS R. MONLUX, ESQ.  
Kobayashi Sugita & Goda, LLP  
[dml@ksglaw.com](mailto:dml@ksglaw.com)  
[ckh@ksglaw.com](mailto:ckh@ksglaw.com)  
[nrm@ksglaw.com](mailto:nrm@ksglaw.com)  
*Special Deputy Attorneys General for*  
*ATTORNEY GENERAL DOUGLAS S. CHIN,*  
*THE DEPARTMENT OF THE ATTORNEY*  
*GENERAL, and DEPUTY ATTORNEYS*  
*GENERAL IN THEIR CAPACITY AS*  
*COUNSEL FOR THE BOARD OF LAND AND*  
*NATURAL RESOURCES and HEARING*  
*OFFICER*

WILLIAM J. WYNHOFF, ESQ.  
Deputy Attorney General  
[bill.j.wynhoff@hawaii.gov](mailto:bill.j.wynhoff@hawaii.gov)  
*Counsel for the BOARD OF LAND AND*  
*NATURAL RESOURCES*

J. DOUGLAS ING, ESQ.  
[douging@wik.com](mailto:douging@wik.com)  
ROSS T. SHINYAMA, ESQ.  
[rshinyama@wik.com](mailto:rshinyama@wik.com)  
SUMMER H. KAIAWE, ESQ.  
[skaiawe@wik.com](mailto:skaiawe@wik.com)  
Watanabe Ing LLP  
*Counsel for TMT INTERNATIONAL  
OBSERVATORY, LLC*

JOSEPH KUALII LINDSEY CAMARA  
[kualiic@hotmail.com](mailto:kualiic@hotmail.com)

HARRY FERGERSTROM  
P.O. Box 951  
Kurtistown, HI 96760  
[hankhawaiian@yahoo.com](mailto:hankhawaiian@yahoo.com)  
*(via email & U.S. mail)*

WILLIAM FREITAS  
[pohaku7@yahoo.com](mailto:pohaku7@yahoo.com)

TIFFNIE KAKALIA  
[tiffniekakalia@gmail.com](mailto:tiffniekakalia@gmail.com)

BRANNON KAMAHANA KEALOHA  
[brannonk@hawaii.edu](mailto:brannonk@hawaii.edu)

GLEN KILA  
[makakila@gmail.com](mailto:makakila@gmail.com)

JENNIFER LEINA'ALA SLEIGHTHOLM  
[leinaala.mauna@gmail.com](mailto:leinaala.mauna@gmail.com)  
[leina.ala.s808@gmail.com](mailto:leina.ala.s808@gmail.com)

LANNY ALAN SINKIN  
[lanny.sinkin@gmail.com](mailto:lanny.sinkin@gmail.com)  
*Representative for the Temple of Lono*

MAUNA KEA ANAINA HOU  
c/o Kealoha Pisciotta  
[keomaivg@gmail.com](mailto:keomaivg@gmail.com)

LINCOLN S.T. ASHIDA, ESQ.  
[lsa@torkildson.com](mailto:lsa@torkildson.com)  
NEWTON J. CHU, ESQ.  
[njc@torkildson.com](mailto:njc@torkildson.com)  
Torkildson, Katz, Moore, Hetherington &  
Harris  
*Counsel for PERPETUATING UNIQUE  
EDUCATIONAL OPPORTUNITIES (PUEO)*

DWIGHT J. VICENTE  
2608 Ainaola Drive  
Hilo, HI 96720-3538  
[dwightjvicente@gmail.com](mailto:dwrightjvicente@gmail.com)  
*(via email & U.S. mail)*

RICHARD L. DELEON  
[kekaukike@msn.com](mailto:kekaukike@msn.com)

CINDY FREITAS  
[hanahanai@hawaii.rr.com](mailto:hanahanai@hawaii.rr.com)

C. M. KAHO'OKAHI KANUHA  
[kahookahi.kukiaimauna@gmail.com](mailto:kahookahi.kukiaimauna@gmail.com)

KALIKOLEHUA KANAELE  
[akulele@yahoo.com](mailto:akulele@yahoo.com)

MEHANA KIHOI  
[uhiwai@live.com](mailto:uhiwai@live.com)

STEPHANIE-MALIA: TABBADA  
[s.tabbada@hawaiiantel.net](mailto:s.tabbada@hawaiiantel.net)

HARVEY E. HENDERSON, JR., ESQ.,  
Deputy Attorney General  
[harvey.e.hendersonjr@hawaii.gov](mailto:harvey.e.hendersonjr@hawaii.gov)  
*Counsel for the Honorable DAVID Y. IGE, and  
BLNR Members SUZANNE CASE and  
STANLEY ROEHRIG*



E. KALANI FLORES  
[ekflores@hawaiiintel.net](mailto:ekflores@hawaiiintel.net)

DEBORAH J. WARD  
[cordylinecolor@gmail.com](mailto:cordylinecolor@gmail.com)

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)  
*Counsel for KAHEA: THE ENVIRONMENTAL  
ALLIANCE*

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

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

CLARENCE KUKAUAKAHI CHING  
[kahiwaL@cs.com](mailto:kahiwaL@cs.com)

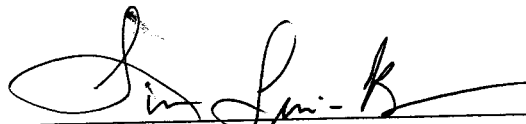
B. PUALANI CASE  
[puacase@hawaiiintel.net](mailto:puacase@hawaiiintel.net)

PAUL K. NEVES  
[kealiikea@yahoo.com](mailto:kealiikea@yahoo.com)

WILMA H. HOLI  
P. O. Box 368  
Hanapepe, HI 96716  
*Witness for the Hearing Officer  
(no email; mailing address only)*

MOSES KEALAMAKIA JR.  
[mkealama@yahoo.com](mailto:mkealama@yahoo.com)  
*Witness for the Hearing Officer*

. DATED: Honolulu, Hawai'i, January 19, 2017.



IAN L. SANDISON  
TIM LUI-KWAN  
JOHN P. MANAUT

Attorneys for Applicant  
UNIVERSITY OF HAWAI'I AT HILO