

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

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, Hamakua, Hawai`i)
TMK (3) 4-4-015:009)
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CASE NO. BLNR-CC-16-002

Minute Order No. 55
(Order Denying William Freitas
Motion to Amend Second Witness
List Doc. 166 to Include William
Freitas as Additional Witness to
Contested Case Hearing (Doc. 300))

Certificate of Service

MINUTE ORDER NO. 55

**(Order Denying William Freitas Motion to Amend Second
Witness List Doc. 166 to Include William Freitas as
Additional Witness to Contested Case Hearing (Doc. 300))**

William Freitas filed his William Freitas Motion to Amend Second Witness List Doc 166 to Include William Freitas as Additional Witness to Contested Case Hearing (Doc. 300) on October 3, 2016 (“Motion”). Other than the Motion, there were no other submissions for the Hearing Officer’s consideration.

The issue of whether or not William Freitas may be added as an additional witness is moot. From the commencement of the contested case hearing in October 2016, it was the general practice to take up “housekeeping” matters at the end of each hearing day. “Housekeeping” matters included identification of upcoming witnesses (ideally, one to three days in advance), day and time of witness testimony, issues related to witness testimony (e.g. availability of filed Witness Direct Testimony, scope and relevance of testimony, etc.), addition to and/or deletion of witnesses from pre-filed witness lists, exhibits related to witness testimony,

scheduling of off island witnesses, and anything else the parties and counsels thought should be discussed and/or decided by the Hearing Officer to ensure the orderly and just conduct of the hearing. HAR §13-1-32(c). The addition of Mr. Freitas as his own witness was discussed and he, in fact, testified on March 2, 2017.

Based upon the Motion, all applicable law, the entire record having been considered by the Hearing Officer,


IT IS HEREBY ORDERED that the Motion is DENIED.

Motion to Reconsider. A party, who believes it appropriate, may file a motion to reconsider using the procedure set out herein. Any Motion for Reconsideration shall not be used to reargue the motion or set out positions of a purely repetitious nature or to present factual or legal grounds that could or should have been presented at the original hearing. AMFAC, Inc. v. Waikiki Beachcomber Inv. Co., 74 Haw. 85, 114 (1992).

The deadline for submission of any **motion** to reconsider this minute order is no later than **5 business days** after the date this Minute Order is filed in the Documents Library. Any **responses to motions to reconsider**, shall be submitted no later than **10 business days** after the order is filed in the Documents Library; essentially 5 business days after the deadline for motions to reconsider.

Any Motion to Reconsider shall be considered a non-hearing motion unless otherwise designated by the Hearing Officer.

DATED: Honolulu, Hawai`i, May 29, 2017.



Judge Riki May Amano (Ret.)
Hearing Officer

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

BLNR Contested Case HA-16-02
Document title: **Minute Order No. 55**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced documents were served upon the following parties by email (when indicated) on May 30, 2017 and by regular mail on May 31, 2017:

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