

597497.1

WATANABE ING LLP  
A Limited Liability Law Partnership

**J. DOUGLAS ING** #1538-0  
**BRIAN A. KANG** #6495-0  
**ROSS T. SHINYAMA** #8830-0  
**SUMMER H. KAIawe** #9599-0

First Hawaiian Center  
999 Bishop Street, Suite 1250  
Honolulu, Hawaii 96813  
Telephone No.: (808) 544-8300  
Facsimile No.: (808) 544-8399  
E-mails: rshinyama@wik.com

Attorneys for  
**TMT INTERNATIONAL OBSERVATORY, LLC**

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAI'I

IN THE MATTER OF

A Contested Case Hearing Re Conservation  
District Use Permit (CDUP) HA-3568 for the  
Thirty Meter Telescope at the Mauna Kea  
Science Reserve, Kaohe Mauka, Hamakua  
District, Island of Hawaii, TMK (3) 4-4-  
015:009

Case No. BLNR-CC-16-002

**TMT INTERNATIONAL  
OBSERVATORY, LLC'S OPPOSITION  
TO BRANNON KAMAHANA  
KEALOHA: MOTION PLEADING FOR  
MORE TIME TO SUBMIT MY FOF; ET  
AL. [DOC. NO. 663]; EXHIBIT "1";  
CERTIFICATE OF SERVICE**

**TMT INTERNATIONAL OBSERVATORY, LLC'S OPPOSITION TO BRANNON  
KAMAHANA KEALOHA: MOTION PLEADING FOR MORE TIME TO  
SUBMIT MY FOF; ET AL. [DOC. NO. 663]**

Thirteen anti-TMT Petitioners and Intervenors filed their respective proposed Findings of Fact and Conclusions of Law ("FOFs and COLs") by the deadline of May 30, 2017, as set forth in Minute Order No. 43 [Doc. No. 552]. Of those thirteen parties, twelve are pro se. Being pro se did not prevent these twelve parties from timely submitting their proposed FOFs and COLs by

RECEIVED  
OFFICE OF CONSERVATION  
AND COASTAL LANDS

2017 JUN -2 P 2:02

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

the deadline. Consequently, Brannon Kamahana Kealoha's ("Kealoha") request for special treatment based on his pro se status should be denied. See Briones v. Riviera Hotel & Casino, 116 F.3d 379, 382 (9th Cir. 1997) ("[P]ro se litigants are not excused from following court rules[.]"); King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987), overruled on other grounds (citation omitted) (holding that pro se litigants "must follow the same rules of procedure that govern other litigants"). His request for an open-ended extension of the May 30, 2017 should be denied.

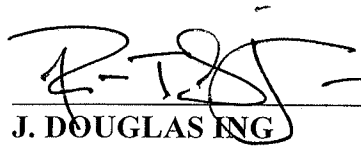
The timing of Kealoha's Motion demonstrates that this is just another abusive dilatory tactic in a long line of specious attempts by anti-TMT Petitioners and Intervenors to delay this contested case process. Minute Order No. 43, which set the May 30, 2017 deadline to submit proposed FOFs and COLs, was issued on April 19, 2017. Rather than file this Motion immediately upon the issuance of Minute Order No. 43, or within a reasonable time thereafter, Kealoha waited a total of 41 days, until the day of the May 30, 2017 deadline, to file this Motion. Kealoha had computer and email access during this time. See May 12, 2017 e-mail from Kealoha, attached hereto as Exhibit 1. Simply stated, as demonstrated by the timing of its submission, Kealoha's Motion is just another abusive dilatory tactic and should be denied.

Kealoha also fails to establish "good cause" for extending the May 30, 2017 deadline for him to file his proposed FOFs and COLs. He claims to be suffering from undisclosed "ongoing life threatening medical conditions" and submits redacted copies of purported medical records in alleged support. Kealoha made similar claims earlier on during this contested case. Kealoha's alleged medical condition did not prevent him from fully participating in the contested case during the time he was physically present, including participating in the questioning of Dr. Guenther Hasinger past 8:00 p.m. Kealoha also simply fails to explain how his alleged medical

condition has prevented him from preparing and submitting his proposed FOFs and COLs in a timely fashion. He also fails to establish what efforts he made to prepare and submit his proposed FOFs and COLs by the deadline.

Kealoha also claims that he needs more time due to a “bird mite infestation in [his] home” – an infestation that he incredibly blames on the contested case. The absurdity of this claim is readily apparent and does not need to be specifically addressed. However, the absurdity of Kealoha’s claim does demonstrate his clear lack of credibility. The Motion should be denied.

DATED: Honolulu, Hawaii, June 2, 2017.



J. DOUGLAS ING

BRIAN A. KANG

ROSS T. SHINYAMA

SUMMER H. KAIawe

Attorneys for TMT INTERNATIONAL  
OBSERVATORY, LLC

## Ross T. Shinyama

---

**From:** Brannon Kealoha <brannonk@hawaii.edu>  
**Sent:** Friday, May 12, 2017 2:23 PM  
**To:** Bianca Isaki; Clarence Ching; Dexter Kaiama; Glen Kila; Ian Sandison; Ivy McIntosh; John P. (Pete) Manaut; Joseph Camara; Kahookahi Kanuha; Kealamakia Jr.; Kealoha Pisciotta; Kealoha Pisciotta-Keomailani Von Gogh; Lanny Sinkin; Lindsay N. McAneeley; Maelani Lee; Michael Cain; Office of Conservation & Coastal Lands; Patricia Ikeda; Pua Case; Ross T. Shinyama; Uncle Kalani Flores; Yuklin Aluli; akulele@yahoo.com; cordylinecolor@gmail.com; J. Douglas Ing; hanahanai@hawaii.rr.com; kealiikea@yahoo.com; leina'ala s; lsa@torkildson.com; mehana kihoi; njc@torkildson.com; pohaku7@yahoo.com; s.tabbada@hawaiiantel.net; tiffniekakalia; tluikwan@carlsmith.com  
**Subject:** Re: Memorandum in Support Declaratory Ruling.pdf

Aloha kākou,

Mahalo Kealoha, I, as you know am onboard 200% thank you for inclusion and the hard work you all take to write these out and send and submit these documents. I am ever Grateful.

As for any discrepancy I also am inclined to side with points that Kealoha has expressed. And I appreciate greatly your efforts as well Ms. Aluli. Aloha nui kākou. Let's holomua.

Kamahana Kealoha

On Thu, May 11, 2017 at 12:42 PM Kealoha Pisciotta <keokeal@icloud.com> wrote:

Aloha all, please find Part 2 of 4 our MEMORANDUM IN SUPPORT OF PETITION FOR DECLARATORY JUDGMENT AND MOTION TO VACATE MINUTE ORDER 43.

Mahalo Kealoha Pisciotta

EXHIBIT "1"

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAII

IN THE MATTER OF

A Contested Case Hearing Re Conservation  
District Use Permit (CDUP) HA-3568 for the  
Thirty Meter Telescope at the Mauna Kea Science  
Reserve, Kaohe Mauka, Hamakua District, Island  
of Hawaii, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was served upon the following parties by the means indicated:

Michael Cain  
Office of Conservation and Coastal  
Lands  
1151 Punchbowl, Room 131  
Honolulu, HI 96813  
michael.cain@hawaii.gov  
*Custodian of the Records*  
(ORIGINAL + DIGITAL COPY)

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

Mehana Kihoi  
PO Box 393  
Honaunau, HI 96726  
uhiwai@live.com

J. Leina'ala Sleightholm  
P.O. Box 383035  
Waikoloa, HI 96738  
leinaala.mauna@gmail.com

C. M. Kaho'okahi Kanuha  
77-6504 Maile St  
Kailua Kona, HI 96740  
Kahookahi.kukiaimauna@gmail.com

Carlsmith Ball LLP  
Ian Sandison, Tim Lui-Kwan, John P.  
Manaut, Lindsay N. McAneeley  
1001 Bishop Street  
ASB Tower, Suite 2200  
Honolulu, HI 96813  
isandison@carlsmith.com  
tluikwan@carlsmith.com  
jpm@carlsmith.com  
lmcaneeley@carlsmith.com  
*Counsel for the Applicant University  
of Hawai'i at Hilo*

Lanny Alan Sinkin  
P. O. Box 944  
Hilo, HI 96721  
lanny.sinkin@gmail.com  
*Representative for The Temple of  
Lono*

Maelani Lee  
PO Box 1054  
Waianae, HI 96792  
maelanilee@yahoo.com

Harry Fergstrom  
P.O. Box 951  
Kurtistown, HI 96760  
hankhawaiian@yahoo.com  
**(via email & U.S. mail)**

Kalikolehua Kanaele  
4 Spring Street  
Hilo, HI 96720  
akulele@yahoo.com

Torkildson, Katz, Moore,  
Hetherington & Harris  
Attn: Lincoln S. T. Ashida  
120 Pauahi Street, Suite 312  
Hilo, HI 96720-3084  
lsa@torkildson.com  
njc@torkildson.com  
*Counsel for Perpetuating Unique  
Educational Opportunities (PUEO)*

Dwight J. Vicente  
2608 Ainaola Drive  
Hilo, Hawaiian Kingdom  
dwightjvicente@gmail.com  
**(via email & U.S. mail)**

Stephanie-Malia Tabbada  
P O Box 194,  
Naalehu, HI 96772  
s.tabbada@hawaiiantel.net

Brannon Kamahana Kealoha  
89-564 Mokiawe Street  
Nanakuli, HI 96792  
brannonk@hawaii.edu

Joseph Kualii Lindsey Camara  
kualiic@hotmail.com

William Freitas  
PO Box 4650  
Kailua Kona, HI 96745  
pohaku7@yahoo.com

Flores-Case 'Ohana  
E. Kalani Flores  
ekflores@hawaiiintel.net

Tiffnie Kakalia  
549 E. Kahaopea St.  
Hilo, HI 96720  
tiffniekakalia@gmail.com

Paul K. Neves  
kealiikea@yahoo.com

Kealoha Pisciotta and Mauna Kea  
Anaina Hou  
keomaivg@gmail.com

Deborah J. Ward  
cordylinecolor@gmail.com

Cindy Freitas  
PO Box 4650  
Kailua Kona, HI 96745  
hanahanai@hawaii.rr.com

Glen Kila  
89-530 Mokiawe Street  
Waianae, HI 96792  
makakila@gmail.com

B. Pualani Case  
puacase@hawaiiintel.net

Clarence Kukauakahi Ching  
kahiwaL@cs.com

Yuklin Aluli, Esq.  
415-C Uluniu Street  
Kailua, Hawaii 96734  
yuklin@kailualaw.com  
Co-Counsel for Petitioner  
KAHEA: The Hawaiian  
Environmental Alliance, a domestic  
non-profit Corporation

Wilma H. Holi  
P.O. Box 368  
Hanapepe, HI 96716  
*Witness for the Hearing Officer*  
w\_holi@hotmail.com

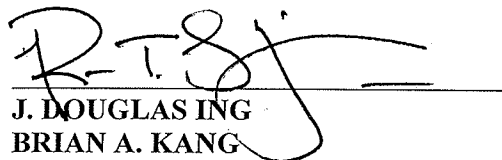
Ivy McIntosh  
67-1236 Panale'a Street  
Kamuela, Hawaii 96743  
3popoki@gmail.com  
*Witness for the Hearing Officer*

Moses Kealamakia Jr.  
1059 Puku Street  
Hilo, Hawaii 96720  
mkealama@yahoo.com  
*Witness for the Hearing Officer*

Crystal F. West  
P.O. Box 193  
Kapaau, Hawaii 96755  
crystalinx@yahoo.com

Dexter K. Kaiama, Esq.  
111 Hekili Street, #A1607  
Kailua, Hawaii 96734  
cdexk@hotmail.com  
Co-Counsel for Petitioner  
KAHEA: The Hawaiian  
Environmental Alliance, a domestic  
non-profit Corporation

DATED: Honolulu, Hawaii,                     June 2, 2017                    .

  
\_\_\_\_\_  
**J. DOUGLAS ING**  
**BRIAN A. KANG**  
**ROSS T. SHINYAMA**  
**SUMMER H. KAIawe**  
Attorneys for **TMT INTERNATIONAL**  
**OBSERVATORY, LLC**