

**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 )  
\_\_\_\_\_ )

CASE NO. BLNR-CC-16-002  
  
Minute Order No. 76  
(Order Denying Temple of  
Lono Motion for Protective  
Order (Doc. 546)  
  
**Certificate of Service**

**MINUTE ORDER NO. 76**  
**(Order Denying Temple of Lono Motion for  
Protective Order (Doc. 546))**

Temple of Lono (“Lono”) filed its Temple of Lono Motion for Protective Order (Doc. 546) on March 24, 2016 (“Motion”). In addition to the Motion, the following submissions were considered:

<b>Doc. #</b>	<b>Filed</b>	<b>Party</b>	<b>Title</b>
547	3/24/2017	Fergerstrom	Motion to Join the Temple of Lono's Motion for Protective Order (Doc 54) (sic)
548	3/25/2017	C & W Freitas & Ching	Cindy Freitas, William Freitas and Clarence Kukauakahi Ching's Motion for Joinder of Temple of Lono's Motion for Protective Order

By this Motion, the Temple of Lono “moves the Hearing Officer to grant a protective order removing any obligation on the part of the parties to respond to any objections filed by other parties to testimony and exhibits being moved into evidence.” Doc. 546 at page 1. The proffered reason for the protective order is: “As the Hearing Officer did not provide time for filing responses to objections, there is no opportunity to respond to these objections. At the same time, objections have been filed.” Doc. 546 at page 2.

The Motion offers no legal authority for the relief being sought. More importantly, there is no good cause reason to cast a broad protective order over the parties such as that requested. Absolution from filing responses to objections is nonsensical and, in this situation, inconsistent with the Temple of Lono's Joinder in Mauna Kea Anaina Hou Motion Requesting Time to Respond to Exhibits Objections and Related matters (Doc. 522). Doc. 526. The Joinders offer no additional facts or arguments.

Based upon the Motion, all related submissions from counsels and/or parties, 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 this 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, June 13, 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 Orders 74-82**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced documents were served upon the following parties by email (when indicated) on June 13, 2017 and by regular mail on June 13, 2017:

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