



Denial of Permit in Regards to Every Single One of Said Petitioner's Requests, Motions, Memos, and Amendments Since 12/8/17 Including, But Not Limited to, All Items Ruled Upon and the Many Not Ruled Upon by the Honorable (sic)Hearing Officer (Doc. 663), on May 30, 2017 (“Motion”). In addition to the Motion, the following submissions were considered:

<b>Doc. #</b>	<b>Filed</b>	<b>Party</b>	<b>Title</b>
677	2-Jun-17	TIO	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 "I"
679	2-Jun-17	UHH	The University of Hawai`i at Hilo's Joinder to TMT International Observatory, LLC's Opposition to Brannon Kamahana Kealoha: Motion Pleading for More Time to Submit My FOF; et al. [Doc. No. 663]

By this Motion, Kealoha seeks:

- More time to submit his FOF
- Moving to joinder all petitioners FOFs recommending denial of permit for the TMT
- Joinder all petitioners recommending denial of permit in regard to every single one of said petition’s request, motions, memos, and amendments since 12/8/17 [sic] including, but not limited to, all items ruled upon and the many not ruled upon by the honorable Hearing Officer

Doc. 663 at page 1.

The reasons offered by Kealoha in support of this Motion are:

- the largely dictated schedule
- the completely dictated and restricted location of this hearing exclusively in Hilo
- his ongoing life threatening medical conditions
- the bird mite infestation in his home caused largely by his attendance in the dictated scheduled hearings exclusively in Hilo, Hawaii
- his inability to confirm to the Hearing Officer’s schedule despite being informed of dates, times and exclusive location

Doc. 663 at page 1.

TIO opposes the Motion because: “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.” Doc. 677 at page 2. TIO offers the following, *inter alia*, as support for its position:

- Kealoha’s request for an extension of time to submit proposed FOF/COLs is untimely and fails to establish a good cause reason for the extension;
- Kealoha’s claim of a medical condition is similar to claims made previously during the testimonial part of the hearing; the alleged medical condition “did not prevent him from fully participating in the contested case during the time he was physically present...”; Doc. 677 at page 2.
- Kealoha “fails to explain how his alleged medical condition has prevented him from preparing and submitting his proposed FOFs and COLs in a timely fashion;

UHH joins TIO in opposing the Motion. No substantive additions are offered in the Joinder.

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, and no good cause shown,

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 14, 2017.



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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 83**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced documents were served upon the following parties by email (when indicated) on June 14, 2017 and by regular mail on June 14, 2017:

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