

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF)	CASE NO. BLNR-CC-16-002
)	
Contested Case Hearing Re Conservation District)	Minute Order No. 92
Use Application (CDUA) HA-3568 For the)	(Order Denying Cindy Freitas’
Thirty Meter Telescope at the Mauna Kea Science)	Motion to File Motion Out
Reserve, Ka`ohe Mauka, Hamakua, Hawai`i)	of Time (Doc. 227))
TMK (3) 4-4-015:009)	
)	
)	
_____)	Certificate of Service

MINUTE ORDER NO. 92
(Order Denying Cindy Freitas’ Motion to File Motion Out of Time (Doc. 227))

Cindy Freitas filed her Motion to File Motion Out of Time (Doc. 227) on August 22, 2016 ("Motion"). Other than the Motion, there were no other submissions for the Hearing Officer’s consideration.

With this Motion, Ms. Freitas sought to file a Motion to View Transcript after the deadline for pre-trial motions. In essence, Ms. Freitas intended to request that “the transcript [sic] be located in **ALL** Department of Land and Natural Resources office in the State of Hawai`I for all Petitioners to view the documents so that the Petitioners can order select page [sic] that we the Petitioners need to support our document and as well the Department of Land and Natural Resources “**DOCUMENT LIBRUARY**” [sic]. Motion, Attachment A.

The Motion has no legal or factual basis. More importantly, the issue of transcript availability was undertaken many times following the daily evidentiary portion of the contested case hearing, during “housekeeping” discussions. A motion was not required to raise the subject.

Received
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
2017 July 13 10:02 pm

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, July 14, 2017.



Judge Riki May Amano (Ret.)
Hearing Officer