

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. 97
 (Order Denying Requests for
 Continuance and Next Hearing
 Date (Doc. Nos. 89, 90, 91, 92))

Certificate of Service

MINUTE ORDER NO. 97

**(Order Denying Requests for Continuance and Next Hearing
Date (Doc. Nos. 89, 90, 91, 92))**

This Order addresses the following:

Doc. #	Filed	Party	Title
89	18-Jul-16	C. Freitas	Request for Continuance for Time and Next Hearing Date
90	18-Jul-16	W. Freitas	Request for Continuance and Next Hearing Date
91	18-Jul-16	Kila	Request for Continuance on Witness List and Next Hearing Date
92	18-Jul-16	Sleightholm	Request for Continuance on Witness List and Next Hearing Date

Although submitted as Requests, they will be treated as Motions and will collectively be referred to as “Motions” herein. On August 5, 2016, hearings on the Motions were held in Hilo, Hawai`i at the YMCA, 300 W. Lanikaula Street.

The following persons were present:

Richard N. Wurdeman, Esq., Attorney for Mauna Kea Anaina Hou, et al. for and
 with Kealoha Pisciotta, Clarence K. Ching, Deborah Ward, Paul Neves,
 Pualani Case, E. Kalani Flores and Keomailani Van Gogh
 Timothy Lui-Kwan, Esq.; John Manaut, Esq.; and Ian Sandison, Esq.; Attorneys
 for the University of Hawaii-Hilo (“UHH”)

Received
 Office of Conservation and Coastal Lands
 Department of Land and Natural Resources
 State of Hawaii
 2017 July 14 1:51 pm

J. Douglas Ing, Esq. and Ross Shinyama, Esq., Attorneys for TMT International
Lincoln Ashida, Esq. and Newton Chu, Esq., Attorneys for Perpetuating Unique
Educational Opportunities Inc. (“PUEO”)

Lanny Sinkin for Temple of Lono

Harry Fergerstrom

Richard DeLeon

Mehana Kihoi

C.M. Kahookahi Kanuha

Joseph Camara

Jennifer Leina`ala Sleightholm

Maelani Lee

Kalikolehua Kanaele

Stephanie-Malia Tabbada

Tiffnie Kakalia

Glen Kila

Dwight Vicente

Brannon Kamahana Kealoha

Cindy Freitas

William Freitas

At the August 5, 2016 hearing, this Hearing Officer found that Movants failed to demonstrate good cause to continue the hearing date and submission deadlines and verbally denied the Motions. Vol. iv, Tr. 8-5-2016; page 26:8-12.

Based upon the Motions, all related and oral 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 Motions are 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 and/or the Order Setting Issues, is no later than **5 business days** after the date this Minute Order are

filed in the Documents Library. Any **responses to motions to reconsider**, shall be submitted no later than **10 business days** after this motion and order are 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