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South Maui Citizens for Responsible Growth  
and Daniel Kanahele

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

LAND USE COMMISSION  
STATE OF HAWAII  
2013 APR 16 P 2:42

**In the Matter of the Petition of**

KAONOULU RANCH

To Amend the Agricultural Land Use  
District Boundary into the Urban  
Land Use District for  
approximately 88 acres at  
Kaonoulu, Makawao-Wailuku,  
Maui, Hawaii

DOCKET NO. A94-706

INTERVENORS' MOTION TO CONCLUDE  
CONTESTED CASE AT THE EARLIEST  
PRACTICABLE TIME; CERTIFICATE OF  
SERVICE

**Filed by:** Maui Tomorrow Foundation, Inc.,  
South Maui Citizens for Responsible Growth  
and Daniel Kanahele

**INTERVENORS' MOTION TO CONCLUDE CONTESTED CASE AT THE EARLIEST PRACTICABLE TIME**

Maui Tomorrow Foundation, Inc., South Maui Citizens for Responsible Growth, and Daniel Kanahele (“Intervenors”), through their attorney Tom Pierce, Esq., hereby submit this their Motion to Conclude Contested Case.

On September 27, 2012, the Commission’s Chairperson issued a Scheduling Order in which this contested case was bifurcated into a phase one and phase two.

The evidentiary hearing on phase one was concluded on February 7, 2013, when the Commission voted that the “Landowners”<sup>1</sup> had violated conditions 5, 15 and 17 of the 1995 Order.

The parties submitted respective proposed findings of fact, conclusions of law, and decision and order to the Commission in December 2012. However, the Commission has not ruled on those proposed findings and conclusions.

Further, the Commission has not scheduled a hearing for the second phase. Under Hawai‘i Revised Statutes Chapter 91, the Commission has an obligation to render a *final* decision and order as to all parts of this contested case. *See generally Intervenors Memorandum in Opposition to Piilani Promenade South, LLC and Piilani Promenade North, LLC’s Motion to Stay Phase II of the Order to Show Cause Proceeding*, filed April 8, 2013, which is incorporated herein by reference and made a part hereof as a memorandum in support of the instant motion.

THEREFORE, Intervenors hereby request as follows:

1. That a hearing be set at the earliest practicable time to render written findings, conclusions and a decision and order as to phase one;

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<sup>1</sup> “Landowners” means herein: Piilani Promenade North LLC and Piilani Promenade South LLC (collectively “Piilani”) and Honua‘ula Partners, LLC (“HP”).

2. That the Commission schedule at the earliest practicable time a hearing for phase two;
3. That at the conclusion of the second phase the Commission, as soon as practicable thereafter, file a final decision and order so that this contested case may be concluded.

This motion is brought pursuant to Hawai'i Administrative Rules §§ 15-15-1, 70 and 71, and is supported by the Memorandum in Opposition to Piilani Promenade South, LLC and Piilani Promenade North, LLC's Motion to Stay Phase II of the Order to Show Cause Proceeding, which is being filed concurrently with this Motion. Pursuant to HAR § 15-15-70(c), Intervenor hereby request a hearing on this motion.

DATED: Makawao, Maui, Hawaii, April 15, 2013.



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TOM PIERCE  
Attorney for Maui Tomorrow  
Foundation, Inc., South Maui Citizens  
for Responsible Growth, and Daniel Kanahele

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document shall be duly served upon the following parties as addressed below, via certified mail, return receipt requested and electronic mail, on April 16, 2013:

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DATED: Makawao, Maui, Hawaii, April 15, 2013. .



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for Responsible Growth, and Daniel Kanahela