



BEFORE THE LAND USE COMMISSION
STATE OF HAWAII

LAND USE COMMISSION
STATE OF HAWAII
2013 JUL 15 P 2:36

| | | |
|--|---|------------------------|
| In The Matter Of The Petition Of |) | DOCKET NO. A13-797 |
| |) | |
| CMBY 2011 INVESTMENT, LLC |) | PREHEARING ORDER |
| |) | AND |
| |) | CERTIFICATE OF SERVICE |
| To Amend The Agricultural Land Use |) | |
| District Boundary Into The Urban Land |) | |
| Use District For Approximately 86.030 |) | |
| Acres Of Land At Pulehunui, Wailuku, |) | |
| Maui, Hawai`i, Tax Map Key: (2) 3-8-008: |) | |
| 019 |) | |

PRE-HEARING ORDER

AND

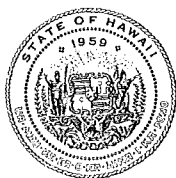
CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE IN THE OFFICE OF THE STATE LAND USE COMMISSION, HONOLULU, HAWAII.

Date July 16, 2013

BY 

Executive Officer



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PREHEARING ORDER

WHEREAS, it is desired to expedite the orderly conduct and disposition of this proceeding by a prompt and timely exchange of witness lists, exhibit lists, and exhibits;

WHEREAS, a Prehearing Conference in this proceeding was held on July 15, 2013, to identify the positions of the respective parties; to identify and clarify issues; to arrange for the timely submission of witness lists, exhibit lists, and exhibits; and to set schedules; now, therefore,

IT IS HEREBY ORDERED that (1) no later than the close of business on July 29, 2013, each party shall submit and serve upon all the other parties a final witness list identifying all witnesses that will be providing testimony in support of the respective party's position, a final exhibit list identifying all exhibits that will be submitted in support of the respective party's position, and all exhibits identified in the aforementioned exhibit list, with the exception of the

written direct testimony of their respective expert witnesses; and (2) no later than the close of business on August 8, 2013, a party may submit and serve upon all the other parties any exhibits, memoranda, or other documentary information in response or in rebuttal to the documents submitted on July 29, 2013, provided that each party no later than the close of business on August 15, 2013, shall also submit and serve upon all the other parties as appropriate the written direct testimony of their respective expert witnesses identified in the aforementioned witness list;

IT IS FURTHER ORDERED that unless there has been a showing of good cause or the lack of significant prejudice, filings or submissions which are untimely may be stricken or rejected by the Land Use Commission (“Commission”) at the time of the hearing; and

IT IS ALSO FURTHER ORDERED that unless there has been a showing of good cause or lack of significant prejudice, or unless otherwise ordered by this Commission, a party shall not be allowed at any continued hearing in this proceeding to submit any additional exhibits not previously identified by the dates provided herein.

Dated: Honolulu, Hawai'i, July 16, 2013

LAND USE COMMISSION
STATE OF HAWAII

A handwritten signature in black ink, appearing to read 'D. Orodener', is written over a horizontal line. The signature is fluid and cursive.

By DANIEL ORODENKER
Executive Officer



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CMBY 2011 INVESTMENT, LLC) CERTIFICATE OF SERVICE
To Amend The Agricultural Land Use)
District Boundary Into The Urban Land)
Use District For Approximately 86.030)
Acres Of Land At Pulehunui, Wailuku,)
Maui, Hawai`i, Tax Map Key: (2) 3-8-008:)
019)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the PRE-HEARING ORDER was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

CERTIFIED MAIL: STEVEN S.C. LIM, Esq.
JENNIFER A. BENCK, Esq.
Carlsmith Ball LLP
1001 Bishop Street
ASB Tower, Suite 2200
Honolulu, Hawai`i 96813
Attorneys for Petitioner

DEL.: JESSE K. SOUKI, Director
State Office of Planning
P. O. Box 2359
Honolulu, Hawai`i 96804-2359

REGULAR MAIL: BRYAN C. YEE, Esq.
Deputy Attorney General
425 Queen Street
Honolulu, Hawai'i 96813
Attorney for State Office of Planning

REGULAR MAIL: JAMES GIROUX, Esq.
Department of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawai'i 96793
Attorney for the County of Maui

REGULAR MAIL: WILLIAM SPENCE, Director
Department of Planning
County of Maui
200 South High Street
Wailuku, Hawai'i 96793

Dated: Honolulu, Hawai'i, July 16, 2013



DANIEL ORODENKER
Executive Officer