

2016 SEP 12 P 2:28



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A89-649
)	
LĀNA'I RESORT PARTNERS)	MINUTE ORDER NO. 5
)	CERTIFICATE OF SERVICE
To consider further matters relating to)	
an Order To Show Cause as to whether)	
certain land located at Mānele, Lāna'i,)	
should revert to its former Agricultural)	
and/or Rural land use classification due)	
to Petitioner's failure to comply with)	
Condition No. 10 of the Land Use)	
Commission's Findings of Fact,)	
Conclusions of Law, and Decision and)	
Order filed April 16, 1991, Tax Map Key)	
No. 4-9-002:049 (por.), formerly Tax Map)	
Key No. 4-9-002:001 (por.))	
_____)	

MINUTE ORDER NO. 5

AND

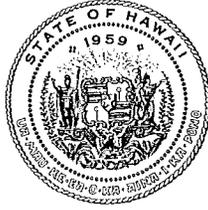
CERTIFICATE OF SERVICE

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 09/12/16

BY

Chief Clerk/Planner, Land Use Commission



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BEFORE THE LAND USE COMMISSION
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MINUTE ORDER NO. 5

A second Pre-Hearing conference in the above captioned matter was held on Friday, September 9, 2016, at 10:30 a.m. in Room 405 of the State Office Building at 235 South Beretania Street, Honolulu, Hawai‘i, for the purpose of:

- Having the parties provide time estimates for their direct and cross examinations;
- Discussing the hearing schedule if more than two days of hearings appear to be required;
- Discussing if additional hearings are required, the possibility of holding subsequent meetings on the island of Maui;
- Addressing the question of having a representative from the State Department of Health testify by phone or video conference;
- Discussing other procedural matters the parties believe are relevant; and,
- Addressing such other matters as requested by the Hearings Officer.

Present were Benjamin Kudo, Esq., Clara Park, Esq., attorneys for Lāna‘i Resorts;
Caleb Rowe, Esq., Deputy Corporation Counsel for the County of Maui (present via telephone);
Bryan Yee, Esq., Deputy Attorney General, and Leo Asuncion representing the Office of

Planning; and, David Kopper, Esq. and Li'ulā Nakama, Esq., of Native Hawaiian Legal Corporation, representing Lāna'ians for Sensible Growth.

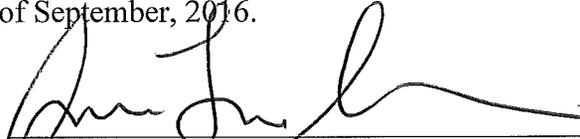
As a result of the Second Pre-Hearing conference the following issues have been determined:

1. Based on the parties' estimates for their direct and cross examinations, the Hearings Officer anticipates that more than two days of hearings appear to be required;
2. Parties have agreed to additional meeting dates of November 15-16, 2016, and recognize that additional dates beyond these may be necessary;
3. The hearing on November 15-16, 2016, will be held on Maui, due to logistical difficulties with holding a hearing on Lāna'i on these dates. Additional hearing dates and locations will be addressed if necessary;
4. The parties and Hearings Officer have agreed that a representative for the State Department of Health may testify by phone or video conference;
5. The parties and Hearings Officer have agreed to a timeline for submission of any pre-hearing motions, responses to any motions; and a hearing at which the Hearings Officer shall decide all pre-hearing motions. The schedule for filing pre-hearing motions is as follows: (a) Parties shall file with the Commission and serve on the other parties any pre-hearing motions, including supporting documents, no later than close of business on Wednesday, September 14, 2016; and (b) Parties shall file with the Commission and serve on the other parties any responses to any pre-hearing motions no later than the close of business on Friday, September 23, 2016. The Hearings Officer will hear argument on the pre-hearing motions on September 30, 2016;
6. The Hearings Officer agreed to amend the filing deadline for submittal of each party's Exhibits, lists of rebuttal witnesses and exhibits, rebuttal exhibits, final Witness and Final Exhibit lists, and all amended pleadings from September 30, 2016 to on or before October 10, 2016;
7. At the hearing on November 9, 2016, although not required, the Hearings Officer will receive public witness testimony; and,
8. At the hearing on November 9, 2016, each party will be allowed 30 (thirty) minutes to present opening statements in the order in which they will put on their respective cases.

PLEASE TAKE NOTICE that a hearing at which the Hearings Officer shall decide all pre-hearing motions in the above-captioned Matter will be held on Friday, September 30, 2016,

at 10:00 a.m. in Room 405 of the State Office Building at 235 South Beretania Street, Honolulu, Hawai'i, for the purpose of considering any pre-hearing motions submitted by the parties to the Hearings Officer.

SO ORDERED this 12th day of September, 2016.



Jonathan Likeke Scheuer, Hearings Officer



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CERTIFICATE OF SERVICE

I hereby certify that a copy of Minute Order No. 5 in the above referenced-docket was duly served by U.S. Mail, postage prepaid, to the following persons at their last known addresses:

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Attorneys for Intervenors Lāna'ians for Sensible Growth

DATED: Honolulu, Hawai'i, September 12, 2016.



Riley K. Hakoda
Chief Clerk/Planner, Land Use Commission