

Hakoda, Riley K

From: tom@mauilandlaw.com
Sent: Friday, January 18, 2019 9:18 AM
To: Orodenker, Daniel E
Cc: Sakumoto@m4law.com; 'Kristin Tarnstrom'; Apuna, Dawn T; Hakoda, Riley K; Funakoshi, Rodney Y; cttabata@yahoo.com; Michael.Hopper@co.maui.hi.us; Saruwatari, Bert K
Subject: RE: A94-706 - Intervenors' Motion to Conduct Phase II of Contested Case Pending Since 2012, and for Final Decision

Thank you very much to the Commission, and I appreciate the County's response as well.

Again, my apologies for the late request.

Aloha, Tom

Tom Pierce Attorney at Law LLLC

mauilandlaw.com . [LinkedIn](#) . PO Box 798, Makawao, HI 96768 . Phone: 808-573-2428 . FAX: 866-776-6645

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From: Orodenker, Daniel E <daniel.e.orozenker@hawaii.gov>
Sent: Friday, January 18, 2019 9:10 AM
To: tom@mauilandlaw.com
Cc: Sakumoto@m4law.com; tom@mauilandlaw.com; Kristin Tarnstrom <Kristin.Tarnstrom@co.maui.hi.us>; Apuna, Dawn T <dawn.t.apuna@hawaii.gov>; Hakoda, Riley K <riley.k.hakoda@hawaii.gov>; Funakoshi, Rodney Y <rodney.y.funakoshi@hawaii.gov>; cttabata@yahoo.com; Michael.Hopper@co.maui.hi.us; Saruwatari, Bert K <bert.k.saruwatari@hawaii.gov>
Subject: Re: A94-706 - Intervenors' Motion to Conduct Phase II of Contested Case Pending Since 2012, and for Final Decision

Thank you Tom;

First of all, the matter of service should be rectified so that we are all in conformance with the rules.

With regard to the extension request to file your response, 20 days would have an adverse impact on our ability to prepare for the scheduled hearing date of February 20th. In order to prevent unnecessary delay I can grant an extension of 14 days (February 1, 2019). Pleadings must be delivered to our office by 2:00 p.m on that date.

Daniel Orodenker
Executive Officer
Land Use Commission

On Jan 18, 2019, at 8:35 AM, Michael Hopper <Michael.Hopper@co.maui.hi.us> wrote:

The Department of Planning does not object to the requested extension.

From: <tom@mauilandlaw.com> [<mailto:tom@mauilandlaw.com>]
Sent: Thursday, January 17, 2019 12:12 PM

To: 'Randall F. Sakumoto' <Sakumoto@m4law.com>
Cc: Kristin Tarnstrom <Kristin.Tarnstrom@co.maui.hi.us>; Michael Hopper <Michael.Hopper@co.maui.hi.us>; Daniel E' 'Orodenker' <daniel.e.orozenker@hawaii.gov>; Dawn T' 'Apuna' <dawn.t.apuna@hawaii.gov>; Riley K' 'Hakoda' <riley.k.hakoda@hawaii.gov>; 'Rodney Y' <rodney.y.funakoshi@hawaii.gov>; 'Curtis Tabata' <cttabata@yahoo.com>
Subject: RE: A94-706 - Intervenor's Motion to Conduct Phase II of Contested Case Pending Since 2012, and for Final Decision

Dear Mr. Orodenker and Parties,

Intervenors respectfully request a twenty day extension in which to respond to the various opposition papers filed by the parties, and we also hereby request courtesy consent to the same by the other parties to assist resolution of the issue. If we understand correctly, there is no pending hearing and an additional twenty days for Intervenor's response would not affect the LUC's schedule. Nor would there be prejudice to the parties from the extension.

As a reminder of the timeline: The parties have had an electronic copy of Intervenor's motion since November 30, 2018. However, they were granted an extension of time to respond until January 10. Intervenor did not receive hard copies of these documents until Tuesday, January 15. The combined pleadings and exhibits are about three inches thick. However, Intervenor's reply is due tomorrow, Friday, January 18 because the tenth day falls on a Sunday. (Copy of the December 7, 2018 order attached.)

I have also attached Intervenor's previous opposition to Petitioner Piilani's request for an extension. As a reminder, Intervenor was not opposed to some extension, and had offered a courtesy ten day extension in their opposition filing; however, they thought that providing forty days of time to respond was unnecessary and might delay the hearing of the matter. We later learned that this was not the case.

Additionally, attached to that opposition was my declaration explaining that I would be on the mainland from January 10 to January 21. I subsequently canceled that flight in order to be available to meet this LUC deadline and others that cropped up thereafter. I have not sought an extension until now from the LUC because I had hoped to keep the matter moving as expeditiously as possible. However, my availability to work on this has been severely restricted by another client matter, which involves preliminary injunctive relief, and of which the County attorneys are aware. I just completed another deadline in that case late yesterday and was finally able to focus on this.

Additionally, while I would ordinarily not raise the issue, I believe that the Piilani petitioners have not effected proper service on the Intervenor by serving by certified mail, which we understand the LUC rules require. Instead, we received by first class mail, although others did serve by certified mail, including Honua`ula. If the certified mail rule remains valid, this provides another reason for granting the extension.

I thank the Executive Director and the parties for their understanding and assistance. I apologize for the late request.

Sincerely,

Tom Pierce

Tom Pierce Attorney at Law LLLC

mauilandlaw.com . [LinkedIn](#) . PO Box 798, Makawao, HI 96768 . Phone: 808-573-2428 . FAX: 866-776-6645

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From: Randall F. Sakumoto <Sakumoto@m4law.com>

Sent: Tuesday, December 4, 2018 3:49 PM

To: tom@mauilandlaw.com

Cc: 'Orodenker, Daniel E' <daniel.e.orozenker@hawaii.gov>; 'Hakoda, Riley K' <riley.k.hakoda@hawaii.gov>; 'Curtis Tabata' <cttabata@yahoo.com>; 'Kristin Tarnstrom' <Kristin.Tarnstrom@co.maui.hi.us>; 'Michael Hopper' <Michael.Hopper@co.maui.hi.us>; 'Apuna, Dawn T' <dawn.t.apuna@hawaii.gov>; 'Rodney Y' <rodney.y.funakoshi@hawaii.gov>

Subject: RE: A94-706 - Intervenors' Motion to Conduct Phase II of Contested Case Pending Since 2012, and for Final Decision

Tom,

On behalf of Piilani Promenade North, LLC and Piilani Promenade South, LLC, we hereby request a 30-day extension of time to file a reply to your motion. Assuming your motion was filed with the LUC today, 12/4/18, we understand that our reply would be due on 12/11/18. With a 30-day extension, our reply would be due on **1/10/19**. I have conferred with counsel to OP, the County of Maui and Honua'ula Partners and understand that they have no objection to such an extension.

Given the upcoming holiday season and information from the LUC staff that the commission will not be able to hear this motion until sometime in February, we trust your clients will find this extension request to be a reasonable one. If this extension is acceptable, please let me know as soon as possible, and I will circulate a stipulation to that effect for signature by counsel. Thanks, and I look forward to hearing from you.

Randall F. Sakumoto
McCorriston Miller Mukai MacKinnon LLP
P.O. Box 2800
Honolulu, Hawaii 96803-2800
Dir. Tel. No.: (808) 529-7304
Dir. Fax No.: (808) 535-8025
E mail: sakumoto@m4law.com

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From: tom@mauilandlaw.com <tom@mauilandlaw.com>

Sent: Friday, November 30, 2018 4:56 PM

To: 'Orodenker, Daniel E' <daniel.e.orozenker@hawaii.gov>; 'Hakoda, Riley K' <riley.k.hakoda@hawaii.gov>; Randall F. Sakumoto <Sakumoto@m4law.com>; 'Curtis Tabata' <cttabata@yahoo.com>; 'Kristin Tarnstrom' <Kristin.Tarnstrom@co.maui.hi.us>; 'Michael Hopper' <Michael.Hopper@co.maui.hi.us>; 'Apuna, Dawn T' <dawn.t.apuna@hawaii.gov>; 'Rodney Y' <rodney.y.funakoshi@hawaii.gov>

Subject: A94-706 - Intervenors' Motion to Conduct Phase II of Contested Case Pending Since 2012, and for Final Decision

Aloha,

Please find attached an electronic copy of the motion identified in the subject line of this email, to be followed by a hard copy served by U.S. mail.

Sincerely,

Tom Pierce

Tom Pierce Attorney at Law LLLC

mauilandlaw.com . [LinkedIn](#) . PO Box 798, Makawao, HI 96768 . Phone: 808-573-2428 . FAX: 866-776-6645

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