



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Petition Of

KA'ONO'ULU RANCH

To Amend The Agricultural Land Use
District Boundary Into The Urban
Land Use District For Approximately
88 Acres Of Land At Ka'ono'ulu,
Makawao-Wailuku, Maui, Hawai'i,
Tax Map Keys: 2-2-02: Por. Of 15 And
3-9-01: 16

DOCKET NO. A94-706

PREHEARING ORDER;
CERTIFICATE OF SERVICE

PREHEARING ORDER

AND

CERTIFICATE OF SERVICE

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LAND USE COMMISSION
STATE OF HAWAII



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PREHEARING ORDER

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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, the Executive Officer of the State of Hawai`i Land Use Commission ("Commission") conducted a Prehearing Conference in this proceeding on September 6, 2012, 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 October 11, 2012, 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 October 19, 2012, 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 October 11, 2012, provided that each party no later than the close of business on October 19, 2012, shall also submit and serve upon all the other parties as appropriate a rebuttal witness list, a rebuttal exhibit list, all rebuttal exhibits, and the written direct testimony of their respective expert witnesses identified in the aforementioned witness list;¹

The parties are reminded that, as explained by Vice-Chair Heller at the hearing on Movants' Petition to Intervene in Show Cause Hearing, this Commission

¹ If a party elects to provide the written direct testimony of a non-expert witness, the party shall also submit and serve upon all the other parties said testimony no later than the close of business on October 19, 2012.

A party may file the documents with this Commission and serve them upon all the other parties via electronic mail on the dates provided herein, provided that the required hard copies of the documents are supplied within 48 hours. Service of the hard copies may be done by regular U.S. mail.

will first consider whether Pi'ilani Promenade South, LLC, and Pi'ilani Promenade North, LLC (collectively "Pi'ilani"), and/or Honua'ula Partners, LLC ("Honua'ula"), has violated the applicable conditions of the Findings of Fact, Conclusions of Law, and Decision and Order filed February 10, 1995; should this Commission find that Pi'ilani and/or Honua'ula has failed to perform according to the conditions imposed or the representations or commitments made, this Commission will then determine whether reversion or other designation is the appropriate remedy. Accordingly, the witnesses and exhibits presented by the parties **at this time** should address the first phase of the proceeding only, that is, whether there has been a violation.

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 this 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, Hawaii, September 11, 2012

LAND USE COMMISSION

STATE OF HAWAII



DANIEL ORODENKER, EXECUTIVE OFFICER



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OF THE STATE OF HAWAI'I

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CERTIFICATE OF SERVICE

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I hereby certify that a copy of the PREHEARING ORDER AND CERTIFICATE OF SERVICE 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:

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
JESSE SOUKI, DIRECTOR Office of Planning 235 S. Beretania Street Rm. 600 Honolulu, Hawai'i 96813	X		

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
BRYAN YEE, ESQ. Deputy Attorney General Hale Auhau, Third Floor 425 Queen Street Honolulu, Hawai'i 96813		X	
TOM PIERCE PO Box 798 Makawao, Hawaii 96768			X
William Spence Director, County of Maui Planning Department 250 S. High St Kalana Pakui Bldg Ste 200 Wailuku, HI 96793		X	
JANE LOVELL, Esq./MICHAEL HOPPER, Esq. Corporation Counsel 200 S. High St. Kalana O Maui Bldg 3rd Flr Wailuku, HI 96793			X
McCorriston Miller Mukai MacKinnon LLP JONATHAN H. STEINER, Esq Five Waterfront Plaza, 4th Floor 500 Ala Moana Boulevard Honolulu, Hawai'i 96813			X
McCorriston Miller Mukai MacKinnon LLP JOEL KAM, Esq Five Waterfront Plaza, 4th Floor 500 Ala Moana Boulevard Honolulu, Hawai'i 96813			X

Honolulu, Hawai'i, September 10, 2012.

DANIEL ORODENKER
Executive Officer