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UNIVERSITY OF THE NATIONS, KONA,
INC.

LAND USE COMMISSION
STATE OF HAWAII

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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition Of

U of N BENCORP

To Amend the Agricultural Land Use District
to the Urban Land Use District for
Approximately 62 Acres, Tax Map Key Nos.:
(3) 7-5-010:085 and 7-5-017:006 situated at
Wai'aha, North Kona, County and State of
Hawaii'i

DOCKET NO. A02-737

UNIVERSITY OF THE NATIONS,
KONA, INC., STATE OF HAWAII
OFFICE OF PLANNING AND COUNTY
OF HAWAII, PLANNING
DEPARTMENT'S JOINT STIPULATION
FOR PROTECTIVE ORDER
REGARDING CONFIDENTIAL
FINANCIAL INFORMATION; ORDER

**UNIVERSITY OF THE NATIONS, KONA, INC., STATE OF HAWAII OFFICE
OF PLANNING AND COUNTY OF HAWAII, PLANNING DEPARTMENT'S JOINT
STIPULATION FOR PROTECTIVE ORDER REGARDING CONFIDENTIAL
FINANCIAL INFORMATION**

Petitioner University of the Nations, Kona, Inc., a Hawaii'i nonprofit corporation, State of
Hawaii Office of Planning, and County of Hawaii, Planning Department (together the "**Parties**"),
by and through their respective counsel of record, hereby submit this Joint Stipulation For

Protective Order ("**Stipulated Protective Order**") pursuant to Hawai'i Administrative Rules § 15-15-70.1. The Parties hereby stipulate as follows:

1. Whereas, Petitioner has a strong interest in maintaining strict confidentiality regarding financial documents, including, but not limited to, financial statements, copies of bills, bank statements, cancelled checks, wire transfers, loan statements, other loan documents, and other records designated non-public financial information ("**Confidential Financial Information**");
2. Whereas, Petitioner's interest in confidentiality will be substantially prejudiced if any Confidential Financial Information is made public, inasmuch as these documents reveal confidential information and give the public access to sensitive financial, business and proprietary information; and
3. Whereas the Parties and the counsels for the Parties who execute this Stipulated Protective Order agree that Petitioner's Confidential Financial Documents shall be governed by the terms of this Stipulated Protective Order.
4. IT IS HEREBY STIPULATED AND AGREED that:
 - A. The Confidential Financial Information shall be used solely in connection in this Docket;
 - B. Information contained in the Confidential Financial Information shall not be communicated in any manner, directly or indirectly, to anyone other than a person qualified under the terms of this Stipulated Protective Order;
 - C. The Confidential Financial Information may not be disclosed by the party who obtained it, except to the:
 - i. Parties and their counsels working on this Docket, and their

employees, all of whom shall be bound by this Stipulated Protective Order; and

- ii. Persons engaged by the Parties' counsels, such as expert consultants or expert witnesses, who shall be bound by this Stipulated Protective Order.

- D. The Confidential Financial Information shall be marked or stamped "CONFIDENTIAL – FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER AND WITHOUT ANY FURTHER SEALING ORDER REQUIRED" to indicate that the material is confidential and to insure that the persons subject to this Stipulated Protective Order are given notice that such Confidential Financial Information are to be treated as covered by this Stipulated Protective Order.
- E. This Stipulated Protective Order shall apply to all copies of confidential material, transcripts to all summaries, extracts, or other material prepared from the Confidential Financial Information by any person subject to this Stipulated Protective Order.
- F. The Confidential Financial Information themselves and any confidential material, extracts, or other material prepared from the Confidential Financial Information and which are designated "Confidential" subject to this Stipulated Protective Order shall not be entered in the public record of this Docket, but must be provided to the State of Hawaii Land Use Commission under seal.

- G. The Parties shall meet and confer regarding the procedures for use of any Confidential Financial Information in case of potential litigation and shall move the appropriate court for entry of an appropriate order.
- H. If any person subject to this Stipulated Protective Order has custody of any Confidential Financial Information and receives a subpoena or other process ("**Subpoena**") from any governmental entity, court, or other person or entity demanding production of such materials, the recipient of the Subpoena shall promptly give notice of the same by electronic mail transmission or overnight mail to counsel of record for Petitioner and shall furnish such counsel with a copy of the Subpoena. Upon receipt of this notice, Petitioner may, in its sole discretion, at its own cost, and with full cooperation of the party receiving the Subpoena, move to quash or limit the Subpoena, otherwise oppose production of the Confidential Financial Information, and/or seek to obtain confidential treatment of such materials from the subpoenaing person or entity to the fullest extent available under law.

DATED: November 14, 2019



STEVEN S.C. LIM
KATHERINE A. GARSON
DEREK B. SIMON

Attorneys for
UNIVERSITY OF THE NATIONS, KONA,
INC.

DATED: November __, 2019

DAWN TAKEUCHI-APUNA

Attorney for
STATE OF HAWAI'I OFFICE OF
PLANNING

DATED: November __, 2019

RON N.W. KIM

Attorney for
COUNTY OF HAWAII, PLANNING
DEPARTMENT

APPROVED AND SO ORDERED:

DATED: November __, 2019

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