

MCCORRISTON MILLER MUKAI MACKINNON LLP

ATTORNEYS AT LAW

November 20, 2019

LAND USE COMMISSION
STATE OF HAWAII

2019 NOV 20 P 1:58

Via hand-delivery and

Email: daniel.e.orođenker@hawaii.gov

Mr. Daniel Orođenker
Executive Officer
State Land Use Commission
235 South Beretania Street, Suite 406
Honolulu, Hawai'i 96813

Re: In the Matter of the Petition of C. Brewer Properties, Inc.
Docket No. A89-642

Dear Mr. Orođenker:

We are in receipt of your letter dated November 8, 2019, regarding the above-referenced docket. As you know, this firm represents RCFC Kehalani, LLC ("RCFC Kehalani"), one of the co-petitioners in this matter, and Jason McFarlin, Esq. represents Wailuku Plantation, LLC ("Wailuku Plantation"), the other co-petitioner.

Your November 8, 2019 letter requests clarification on seven items listed therein. It is our understanding that of those seven items, RCFC Kehalani is only being asked to address item number 7, which reads: "What is the proposed timeline and status for bifurcation?" We provide the following response on behalf of RCFC Kehalani:

- a. We have determined, through the assistance of your office, that (i) the appropriate parties to file the motion to bifurcate would be Wailuku Plantation and the other lot owners in the Piihana Project District; and (ii) once the motion to bifurcate has been filed it should be served by the movants upon the lot owners in the Kehalani Project District.
- b. Wailuku Plantation has advised that the lot owners in the Piihana Project District consist of:
 - o Wailuku Plantation;
 - o Edgar Somera and Fay Somera;
 - o Larry S. Sky;
 - o Dayong Zhao and Xiu Xiang Fang; and
 - o Bong Hwa Shi Jordan.
- c. RCFC Kehalani has provided Wailuku Plantation with its thoughts and suggestions on the appropriate form and content for the motion to bifurcate.

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- d. RCFC Kehalani has provided the Kehalani Community Association -- the master association for the lot owners in the Kehalani Project District -- with background information on the Findings of Fact, Conclusions of Law, and Decision and Order in this matter, as well as the bifurcation process and why it should be done.
- e. RCFC Kehalani has obtained the approval of the Board of Directors of the Kehalani Community Association to provide Wailuku Plantation, through its attorney, with the names and addresses of each of the lot owners in the Kehalani Project District to enable the motion to bifurcate to be properly served.
- f. RCFC Kehalani understands that Mr. McFarlin has provided each of the lot owners in the Piihana Project District with a proposed draft of the motion to bifurcate and a request that they each authorize him to represent them in the motion to bifurcate. RCFC Kehalani understands that once Mr. McFarlin has secured such authorization, he will be in a position to move forward with the filing and service of the motion.

If you have any questions or concerns, please do not hesitate to contact the undersigned.

Very truly yours,

McCORRISTON MILLER MUKAI MacKINNON LLP



Randall F. Sakumoto

RFS:dkc

cc via email: client
Jason McFarlin, Esq.