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Attorneys for Intervenor
LIKO MARTIN

BEFORE THE LAND USE COMMISSION OF THE
STATE OF HAWAII

In the Matter of the Petition of:)	DOCKET NO. A11-791
)	
HG KAUAI JOINT VENTURE, LLC)	INTERVENOR'S MOTION TO CONTINUE
To Amend the Land Use District Boundary of)	CONTESTED CASE HEARING DATES;
Certain Lands Situated at Kapa'a, Island of)	DECLARATION OF COUNSEL; EXHIBIT
Kauai, State of Hawai'i, consisting of)	"A"; [PROPOSED] PREHEARING ORDER;
approximately 96 Acres, from the Agricultural)	CERTIFICATE OF SERVICE
Land Use District to the Urban Land Use)	
District, Kauai Tax Map Key 4-3-03: por 01.)	
_____)	Hearing Date: January 6, 2021

INTERVENOR'S MOTION TO CONTINUE CONTESTED CASE HEARING DATES

Intervenor LIKO MARTIN (Intervenor) by and through his undersigned counsel, submit this motion to continue contested case hearing dates as provided in the Commission's Prehearing Order, filed November 6, 2020. This motion is filed pursuant to Hawai'i Administrative Rules (HAR) §§15-15-37, -60(c).

Intervenor seeks to continue the proceedings because he was not made a party to the proceedings until the Commission's December 3, 2020 meeting and only recently obtained legal counsel. Declaration of Counsel (Counsel Decl.) ¶2. Intervenor thus requires more time to

properly prepare for the contested case. Further, a continuance would not prejudice the other parties. Via email dated December 9, 2020, Commission's counsel notified Commission staff that all parties - Intervenor, Petitioner HG KAUAI JOINT VENTURE, LLC (HG), the Office of State Planning, and the County of Kaua'i Department of Planning - agreed to the following schedule of hearings and filings as follows:

January 6, 2021--Hearing date for the Petitioner's Motion for protective order, and Intervenor's Motion for continuance on hearing
January 25, 2021 filing of witness and exhibit lists
February 10, 2021 for filing of exhibits and including OP's and County's testimony
February 17, 2021 Rebuttal witnesses and rebuttal testimony for all parties
March 10-11, Hearing dates

Counsel Decl. ¶3; Exh. A. All parties or their representatives were carbon-copied on the email from Commission's counsel. *Id.*

For the foregoing reasons, Intervenor respectfully requests the Commission enter a prehearing order adopting the dates set forth in Exhibit "A."

DATED: Makawao, Hawai'i

December 14, 2020



LAW OFFICE OF LANCE D. COLLINS
LANCE D. COLLINS
LAW OFFICE OF BIANCA ISAKI
BIANCA ISAKI
Attorneys for Intervenor LIKO MARTIN

BEFORE THE LAND USE COMMISSION OF THE
STATE OF HAWAII

In the Matter of the Petition of:) DOCKET NO. A11-791
HG KAUAI JOINT VENTURE, LLC)
_____) DECLARATION OF COUNSEL
)
)

DECLARATION OF COUNSEL

I, LANCE D. COLLINS do declare under penalty of law that the following is true and correct.

1. I am counsel for Intervenor LIKO MARTIN in the above entitled case.
2. I was retained by Intervenor on December 11, 2020.
3. Attached as Exhibit "A" is a true and correct certified copy of the email from Dawn A. Apuna, Deputy Attorney General and counsel for the Land Use Commission, to Commission staff, Intervenor, Petitioner HG Kauai Joint Venture, LLC's representatives William Yuen and Janna Ahu, Mary Alice Evans from the Office of State Planning, and Jodi Sayegusa, from the County of Kaua'i, dated December 9, 2020.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Makawao, Hawai'i

December 14, 2020



LAW OFFICE OF LANCE D COLLINS
LANCE D. COLLINS
Attorney for Defendant

Subject:RE: [EXTERNAL] Re: Proposed Dates for Hokua Place

Date:Wed, 9 Dec 2020 22:06:41 +0000

From:Apuna, Dawn T <dawn.t.apuna@hawaii.gov>

To:Derrickson, Scott A <scott.a.derrickson@hawaii.gov>, Bridget Hammerquist <bridgethammerquist@hawaiiintel.net>, Orodenker, Daniel E <daniel.e.orozenker@hawaii.gov>, Yuen, William W.L. <william.yuen@dentons.com>, Hakoda, Riley K <riley.k.hakoda@hawaii.gov>, Funakoshi, Rodney Y <rodney.y.funakoshi@hawaii.gov>, Ahu, Janna W. <janna.ahu@dentons.com>, Rayne Regush <rayneregush@aol.com>, likomartin@icloud.com <likomartin@icloud.com>, Evans, Mary Alice <maryalice.evans@hawaii.gov>, cdonahoe@kauai.gov <cdonahoe@kauai.gov>, Maki, Lorene K <lorene.k.maki@hawaii.gov>, Jodi Higuchi Sayegusa <jhiguchi@kauai.gov>

Aloha Scott,

All of the Parties have agreed to the schedule of hearings and filings as follows:

January 6, 2021--Hearing date for the Petitioner's Motion for protective order, and Intervenor's Motion for continuance on hearing

January 25, 2021 filing of witness and exhibit lists

February 10, 2021 for filing of exhibits and including OP's and County's testimony

February 17, 2021 Rebuttal witnesses and rebuttal testimony for all parties

March 10-11, Hearing dates

Mahalo.

Dawn

Dawn T. Apuna
Deputy Attorney General
State of Hawaii

From: Derrickson, Scott A <scott.a.derrickson@hawaii.gov>

Sent: Tuesday, December 8, 2020 2:35 PM

To: Bridget Hammerquist <bridgethammerquist@hawaiiintel.net>; Apuna, Dawn T <dawn.t.apuna@hawaii.gov>; Orodenker, Daniel E <daniel.e.orozenker@hawaii.gov>; Yuen, William W.L. <william.yuen@dentons.com>; Hakoda, Riley K <riley.k.hakoda@hawaii.gov>; Funakoshi, Rodney Y <rodney.y.funakoshi@hawaii.gov>; Ahu, Janna W. <janna.ahu@dentons.com>; Rayne Regush <rayneregush@aol.com>; likomartin@icloud.com; Evans, Mary Alice <maryalice.evans@hawaii.gov>; cdonahoe@kauai.gov; Maki, Lorene K <lorene.k.maki@hawaii.gov>; Jodi Higuchi Sayegusa <jhiguchi@kauai.gov>

Subject: RE: [EXTERNAL] Re: Proposed Dates for Hokua Place

Aloha kakou:

I recommend that each party talk to each other to confirm that these dates (as proposed by OP) work for everyone. Then notify LUC to indicate there has been consensus on the matter. Mahalo, Scott

Scott A.K. Derrickson, AICP
Staff Planner
State of Hawai'i, Land Use Commission
(808) 587-3921
<scott.a.derrickson@hawaii.gov>

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EXHIBIT "A"

BEFORE THE LAND USE COMMISSION OF THE
STATE OF HAWAII

In the Matter of the Petition of:)	DOCKET NO. A11-791
)	
HG KAUAI JOINT VENTURE, LLC)	[PROPOSED] PREHEARING ORDER NO.
To Amend the Land Use District Boundary of)	2; CERTIFICATE OF SERVICE
Certain Lands Situated at Kapa'a, Island of)	
Kauai, State of Hawai'i, consisting of)	
approximately 96 Acres, from the Agricultural)	
Land Use District to the Urban Land Use)	
District, Kauai Tax Map Key 4-3-03: por 01.)	

[PROPOSED] PREHEARING ORDER NO. 2

WHEREAS, it is desired to expedite the orderly conduct and disposition of this proceeding by a prompt and timely exchange of witness lists, exhibits lists, and exhibits;

WHEREAS, the Land Use Commission granted Intervenor LIKO MARTIN's Motion to Continue Contested Case Hearing Dates, filed December 14, 2020, at its meeting on January 6, 2021;

IT IS HEREBY ORDERED that (1) no later than the close of business on January 25, 2021 each party shall submit and serve upon all the other parties a statement of position on the district boundary amendment, a witness list identifying all witnesses that will be providing testimony in support of the respective party's position and an exhibit list identifying all exhibits that will be submitted in support of the respective party's position; (2) no later than the close of business on February 10, 2021 each party shall submit and serve upon all the other parties copies of the exhibits in support of the respective party's position and written testimony indicating the scope of witnesses' direct testimony in support of the respective party's position; (3) no later than the close of business on February 17, 2021 each party shall submit and serve upon all the other parties a list of rebuttal witnesses and copies of rebuttal testimony indicating the scope of witnesses' direct testimony in support of the respective party's position; and (4) the Commission will hold a contested case hearing on these matters on March 10-11, 2021.

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 the Commission at the time of the hearing; and

IT IS ALSO FURTHER ORDERED that unless there has been a showing of good cause or a 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 or call additional witnesses not previously identified by the dates provided herein.

DATED: Honolulu, Hawai'i

BEFORE THE LAND USE COMMISSION OF THE
STATE OF HAWAII

In the Matter of the Petition of:) DOCKET NO. A11-791
HG KAUAI JOINT VENTURE, LLC) CERTIFICATE OF SERVICE
_____)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing document was served on the following via U.S. mail, postage pre-paid:

Dawn Takeuchi Apuna, Esq.
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

Ka'aina S. Hull, Director
Kauai County Planning Department
4444 Rice Street, Suite A473
Lihue, Hawaii 96766

Counsel for STATE OF HAWAII LAND USE
COMMISSION

Chris Donahoe, Esq.
County of Kauai County Attorney
4444 Rice Street, Suite 220
Lihue, Kauai 96766

William W.L. Yuen
Janna Wehilani Ahu
Dentons US LLP
1001 Bishop Street, Suite 1800
Honolulu, Hawaii 96813-3689

Mary Alice Evans, Director
Office of Planning
State of Hawaii, Office of Planning
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

Attorneys for HG KAUAI JOINT VENTURE,
LLC

DATED: Makawao, Hawaii

December 14, 2020



LAW OFFICE OF LANCE D. COLLINS
LANCE D. COLLINS
LAW OFFICE OF BIANCA ISAKI
BIANCA ISAKI
Attorneys for Intervenor LIKO MARTIN