

BEFORE THE LAND USE COMMISSION

ORIGINAL

OF THE STATE OF HAWAII

In the matter of the Petition ) DOCKET NO. A07-773  
 )  
 of ) PREHEARING ORDER  
 )  
 Emmanuel Lutheran Church of Maui )  
 )  
 To Amend the Land Use District )  
 Boundary Of Certain Lands Situated at )  
 Wailuku, Island of Maui, State of )  
 Hawai`i, Consisting Of 25.263 Acres from )  
 the Agriculture District to the Urban )  
 District, Tax Map Key No. )  
 3-5-002: 011 )  
 )  
 \_\_\_\_\_ )

PREHEARING ORDER

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

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| 3-5-002: 011                             | ) |                    |
| _____                                    | ) |                    |

PREHEARING ORDER

WHEREAS, in order to expedite the orderly conduct and disposition of this proceeding by a prompt and timely exchange of witness lists, exhibit lists, and exhibits;

WHEREAS, a Prehearing Conference ("Conference") in this proceeding was held by the Executive Officer of the Land Use Commission ("LUC") on June 20, 2007, at Room 405, 235 S. Beretania Street, Honolulu Hawaii and via teleconference in Wailuku, Maui, pursuant § 15-15-57, Hawaii Administrative Rules, to identify the parties and potential parties, and their respective positions;

to identify and clarify issues; to arrange for the timely submission of witness lists, exhibit lists, and exhibits; and to set schedules;

WHEREAS, the following parties attended the Conference: Blaine Kobayashi, Esq., Matthew Slepín, Richard Sudheimer, Waldo Ullerich, Chris Hart ("Petitioner"), Madelyn D'enbeau, Esq., Jeffrey Dack ("County"), Bryan Yee, Esq., Abe Mitsuda ("OP") and Anthony Ching, Sandra Matsushima, Diane Erickson ("LUC");

WHEREAS, the Petitioner informed the LUC that Petitioner's Affidavit of Publication for Notice of Hearing had been filed on June 25, 2007.

IT IS HEREBY ORDERED that no later than the close-of-business of July 13, 2007, each party shall submit and serve upon all the other parties, as the case may be, a list identifying all witnesses that they will be presenting to the LUC in support of the respective party's position; a 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; and, that no later than the close of business on July 17, 2007, a party may submit and serve on all the other parties any exhibits, memoranda, or other documentary information in response or in rebuttal to the documents submitted on July 13, 2007, provided that each party no later than the close of business on July 17, 2007 shall also submit and serve

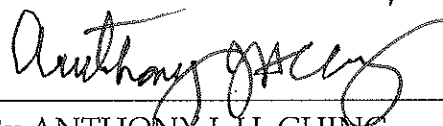
upon the other parties as appropriate a rebuttal witness list, a rebuttal exhibit list, and all rebuttal exhibits;

IT IS FURTHER ORDERED that except as provided by § 15-15- 57, Hawaii Administrative Rules, filings or submissions which are untimely may be stricken or rejected by the LUC at the time of the hearing; and

IT IS FURTHER ORDERED that except as provided by § 15-15-57, Hawaii Administrative Rules, or unless otherwise ordered by the LUC, a party shall not be allowed at any continued hearing in this proceeding to submit any additional exhibits not previously submitted or present any oral testimony of any witness not previously identified by the dates provided herein.

Dated: Honolulu, Hawai'i, JUL 25 2007

LAND USE COMMISSION  
STATE OF HAWAII

  
By ANTHONY J. H. CHING  
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

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 of ) CERTIFICATE OF SERVICE  
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 3-5-002: 011 )  
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Prehearing Order 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:

DEL. LAURA THIELAN, Director  
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**JUL 25 2007**

Dated: Honolulu, Hawaii, \_\_\_\_\_.

  
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ANTHONY J. H. CHING