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LAND USE COMMISSION
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A-94-706
)	
KAONOULU RANCH	)	PIILANI PROMENADE SOUTH, LLC
	)	AND PIILANI PROMENADE NORTH,
To Amend the Agricultural Land Use District	)	LLC'S JOINDER IN DEPARTMENT OF
Boundary into the Urban Land Use District	)	PLANNING, COUNTY OF MAUI'S
for approximately 88 acres at Kaonoulu,	)	MEMORANDUM IN OPPOSITION TO
Makawao-Wailuku, Maui, Hawai'i	)	INTERVENORS' MOTION TO TAKE
	)	TESTIMONY OF CARLA M. FLOOD VIA
	)	TELEPHONE, DATED OCTOBER 24,
	)	2012; CERTIFICATE OF SERVICE
)	
)	
	)	<u>HEARING:</u>
	)	Date: November 1 and 2, 2012
)	
)	

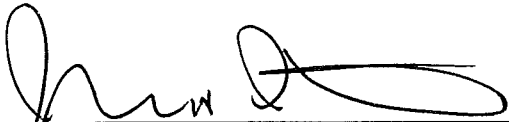
PIILANI PROMENADE SOUTH, LLC AND PIILANI PROMENADE NORTH, LLC'S
JOINDER IN DEPARTMENT OF PLANNING, COUNTY OF MAUI'S MEMORANDUM IN
OPPOSITION TO INTERVENORS' MOTION TO TAKE TESTIMONY OF CARLA M.
FLOOD VIA TELEPHONE, DATED OCTOBER 24, 2012

Piilani Promenade South, LLC and Piilani Promenade North, LLC (collectively, "Piilani"), by and through their attorneys, McCorriston Miller Mukai MacKinnon LLP, hereby respectfully submit their joinder in Department of Planning, County of Maui's Memorandum in Opposition to Intervenor's Motion to Take Testimony of Carla M. Flood Via Telephone, dated October 24, 2012.

Piilani agrees with the County of Maui that Intervenor's have failed to make a sufficient showing to warrant allowing Ms. Flood to testify via telephone. Moreover, the testimony of Ms. Flood appears to be irrelevant to the issues which are before the Commission, and her testimony will only waste the limited amount of time available to hear the pertinent evidence. In addition, logistically, it would be difficult to effectively cross examine Ms. Flood via telephone. For example, depending on how she testifies, it may be necessary to present her with documents to refresh her recollection, or to impeach her testimony. Without knowing ahead of time exactly what she might say, it's virtually impossible to arrange to have those documents available for Ms. Flood to examine.

For all of the foregoing reasons, as well as the reasons set forth by the Department of Planning, County of Maui, the Motion should be denied.

Dated: Honolulu, Hawai'i, October 26, 2012.


CLIFFORD J. MILLER
JOEL D. KAM
JONATHAN H. STEINER

Attorneys for Piilani Promenade South, LLC and
Piilani Promenade North, LLC

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A-94-706
)
KAONOULU RANCH) CERTIFICATE OF SERVICE
)
To Amend the Agricultural Land Use District)
Boundary into the Urban Land Use District)
for approximately 88 acres at Kaonoulu,)
Makawao-Wailuku, Maui, Hawai'i)
_____)

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES that on this date, a true and correct copy of the foregoing document was duly served upon the following party via U.S. Mail and electronic mail, addressed as follows:

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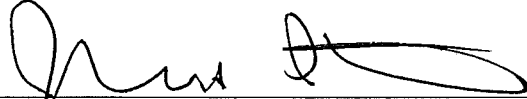
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Dated: Honolulu, Hawai'i, October 26, 2012.

A handwritten signature in black ink, appearing to read 'Clifford J. Miller', written over a horizontal line.

CLIFFORD J. MILLER

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