

CIVIL MOTIONS CALENDAR
FIRST CIRCUIT
SIXTH DIVISION

DATE: WEDNESDAY, OCTOBER 10, 2018
JUDGE: HONORABLE JEFFREY P. CRABTREE, JUDGE PRESIDING
CLERK:
REPORTER:
BAILIFF/LAW CLERK: MANTA DIRCKS

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9:00 A.M.

1SP 18-1-000301 ANDREW WALDEN

MICHAEL ALEXANDER LILLY
FOR ANDREW WALDEN

VS.

HI'ILEI ALOHA LLC ETAL

APPLICATION FOR AN ORDER ALLOWING INSPECTION OF
PUBLIC RECORDS OF HI'ILEI ALOHA LLC, HOOKELE PONO
LLC, AND HI'IPAKA LLC (M LILLY)

CTRPTR: MILANI BALLESTEROS.

CTRM 5C.

CLK: J CHANG.

PRESENT:

MICHAEL LILLY FOR PLAINTIFF.

ANNA ELENTO-SNEED FOR DEFENDANTS.

SAMANTHA SNEED FOR DEFENDANTS.

CASE CALLED AN APPEARANCES MADE. 9:05-9:53.

COURT READ THRU THE BRIEFS AND NOT REVIEWED THE
THE LEGAL AUTHORITIES RE OLELO CASE CHAPTER 428
DEALING WITH THE LLC'S.

ARGUMENTS BY MR LILLY RE: LLC'S AGENCIES, OWNED
OPERATED OR MANAGED BY THE STATE, OWNERSHIP, OHA
OWNER OF LLC'S. EXH E, SEC 411, OHA CONTROL
OF ALL THREE, OWNER & THEREFORE ARE STATE AGENCIES
MBR MNGD & MGR MGD, SUBSEC C RIGHT TO AMEND OPERTG
AGMT, CIVIL V SP, EXPEDITED PROCEEDINGS, DE NOVO.

ARGUMENTS BY MS SNEED: RE FLAWED ARGUMENT BY
APPLICANT, OHA NOT MEMBER; NONPROFIT ENTITIES, NO
MATERIAL FACTS BY APPLICANT, EXH E AMDMTS 1-4 IN
THE OLELO CASE. LLC MEMBERS LIMITED UNDER OPERAT-
ING AGMT, RE 92F, RESPONDANTS DUE PROCESS UNDER
THE LAW, PRIVATE SECTOR NON PROFIT ORGANIZATION,
RE CC V SP, 68 HI SUPREME CT 466 1986 DECISION.
COURT INQUIRES RE HRS 428 DEFINITIONS IN THE OBLI
GATION AND STRUCTURE OF LLC'S. TO WHAT EXTENT
RESPONDENTS ARE OWNED OR MANAGED AND EVIDENCE.
GOAL IS SETTING UP THESE "SUBSIDIARIES" AND LIMIT-
ED LIABILITY RE OHA.?

COURT ASKS FOR SUPPLEMENTAL BRIEFING.

MATTER CONCLUDED.

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MINUTE ORDER (3/5/19):

RE: APPLICATION FOR AN ORDER ALLOWING INSPEC-
TION OF PUBLIC RECORDS OF HI'ILEI ALOHA LLC,
HO'OKELE PONO LLC, AND HI'IPAKA LLC (FILED
8/28/18):

THE COURT HAS RE-REVIEWED ALL MEMORANDA FOR THIS
PROCEEDING, INCLUDING THE APPLICANT'S SUPPLEMENTAL
FILING ON 11/30/18, RESPONDENTS SUPPLEMENTAL
FILING ON 11/30/18, AND THE MORE RECENT FILINGS BY
INTERVENORS TAX FOUNDATION (1/30/19) AND CIVIL
BEAT LAW CENTER (1/31/19).

THE COURT NOTES RESPONDENTS HAVE NOT HAD AN
OPPORTUNITY TO FILE A SEPARATE MEMORANDUM RESPOND-
ING TO THE INTERVENORS' RECENT SUPPLEMENTAL
BRIEFS. WHILE IT APPEARS RESPONDENTS HAVE
THOROUGHLY BRIEFED THE SUBSTANTIVE ISSUES IN THEIR
MINUTE ORDER CONTD. FUR ON NEXT SCREEN, PHASE A

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12:00 A.M.

1SP 18-1-000301 ANDREW WALDEN
VS.

MICHAEL ALEXANDER LILLY
FOR ANDREW WALDEN

HI'ILEI ALOHA LLC ETAL

* MINUTE ORDER 3/5/19 CONT. FUR FRM THE PREVIOUS
SCREEN* (PHASE *A*)

MINUTE ORDER 3/5/19 CONTD. FROM PREVIOUS SCREEN
11/30/18 BRIEF, THE COURT HEREBY GRANTS RESPOND-
ENTS THE OPPOTUNITY, IF THEY SO CHOOSE, TO FILE A
RESPONDENTS' SUPPLEMENTAL MEMORANDUM IN OPPOSITION
AND OFFER ANY NEW ARGUMENTS OR NEW FACTUAL SUBMIS-
SIONS IN RESPONSE TO INTERVENORS' SUPPLEMENTAL
BRIEFS. THE DEADLINE FOR ANY SUCH RESPONDENTS'
SUPPLEMENTAL MEMORANDUM IN OPPOSITION SHALL BE
FRIDAY, MARCH 15, 2019. IF THIS DEADLINE IS NOT
REASONABLE FOR RESPONDENTS, RESPONDENTS SHALL
PROMPTLY SEND A LETTER TO THE COURT PROPOSING A
REASONABLY CLOSE ALTERNATIVE DEADLINE.

THE COURT NOTES IT HAS SPENT EXTENSIVE TIME
DIGESTING RESPONDENTS VOLUMINOUS 11/30/18 BRIEF,
AND THEREFORE THE COURT RESPECTFULLY REQUESTS
THAT RESPONDENTS SUBMIT ONLY NEW ARGUMENTS OR
FACTUAL MATERIAL WHICH ARE TRULY RESPONSIVE TO A
NEW ARGUMENT OR ISSUE IN THE SUPPLEMENTAL BRIEFS.

SINCE MOVANT GENERALLY GETS TO FILE A REPLY
BRIEF, THE COURT ALLOWS APPLICANT AND INTERVENORS
THREE DAYS AFTER RECEIPT OF RESPONDENTS' SUPPLE-
MENTAL MEMORANDUM IN OPPOSITION TO FILE A FINAL
REPLY BRIEF. ANY FINAL REPLY BRIEF FROM APPLICANT
AND/OR INTERVENORS IS LIMITED TO RESPONDING TO ANY
NEW ARGUMENTS OR INFORMATION RAISED IN RESPONDENTS
SUPPLEMENTAL MEMORANDUM IN OPPOSITION.

END OF MINUTE ORDER.

COPY VIA EMAIL/COURT JACKET TO:

- MICHAEL LILLY FOR APPLICANT
- THOMAS YAMACHIKA FOR TAX FOUNDATION
- ANNA ELENTO-SNEED FOR RESP HI'ILEI ALOHA LLC

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- ROBERT BRIAN BLACK FOR CIVIL BEAT