

# CARLSMITH BALL LLP

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MAY 24 2019

A LIMITED LIABILITY LAW PARTNERSHIP

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## LETTER OF TRANSMITTAL

To: WILLIAM J. WYNHOFF, ESQ.  
CINDY Y. YOUNG, ESQ.  
Department of the Attorney General  
465 South King Street, Room 300  
Honolulu, HI 96813

DATE: May 23, 2019

RE: Civil No .18-1-0960-06, Keep the  
North Shore Country v. Board of  
Land and Natural Resources, et al.

MAXX PHILLIPS, ESQ.  
66-632 Kamehameha Hwy., Suite 102  
Hale'iwa, HI 96712

Mailed  Hand Delivered

THE FOLLOWING IS (ARE) TRANSMITTED HEREWITH:

<u>COPIES</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1	05/23/2019	Final Order Affirming Order Affirming BLNR's Decision Entered April 10, 2019 filed on May 23, 2019
1	05/23/2019	Final Judgment

<input checked="" type="checkbox"/> For Your Information	<input type="checkbox"/> For Review and Comment
<input checked="" type="checkbox"/> For Your Files	<input type="checkbox"/> For Necessary Action
<input type="checkbox"/> Per Your Request	<input type="checkbox"/> For Signature and Return ( <b>Black Ink</b> )
<input type="checkbox"/> Per Our Conversation	<input checked="" type="checkbox"/> See Remarks Below

**REMARKS:** Enclosed please find certified copies of the above-referenced documents for your information and files.

By Carol Imai  
Carol Imai, Secretary to  
Onaona P. Thoene

Enclosure(s)

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

2019 MAY 23 AM 10:14

J. KUBO  
CLERK

CARLSMITH BALL LLP

JOHN P. MANAUT 3989  
PUANANIONAONA P. THOENE 10005  
ASB Tower, Suite 2100  
1001 Bishop Street  
Honolulu, HI 96813  
Tel No. 808.523.2500  
Fax No. 808.523.0842

Attorneys for Appellee  
NA PUA MAKANI POWER PARTNERS, LLC

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KEEP THE NORTH SHORE COUNTRY,

Appellant,

vs.

BOARD OF LAND AND NATURAL  
RESOURCES, the DEPARTMENT OF LAND  
AND NATURAL RESOURCES, SUZANNE  
D. CASE, in her official capacity as  
Chairperson of the Board of Land and Natural  
Resources and NA PUA MAKANI POWER  
PARTNERS, LLC,

Appellees.

CIVIL NO. 18-1-0960-06 JPC  
(AGENCY APPEAL)

**FINAL ORDER AFFIRMING ORDER  
AFFIRMING BLNR'S DECISION  
ENTERED APRIL 10, 2019**

JUDGE: HON. JEFFREY P. CRABTREE

**FINAL ORDER AFFIRMING  
ORDER AFFIRMING BLNR'S DECISION ENTERED APRIL 10, 2019**

Pursuant to this Court's Order Affirming BLNR's Decision, dated April 10, 2019 (the "**Order**"), which affirmed the BLNR's Findings of Facts, Conclusions of Law, and Decision Order dated May 18, 2018, Appellant Keep the North Shore Country's ("**KNSC**"), through its counsel Maxx E. Phillips, Esq., filed Appellant's Request for Further Findings & Conclusions on April 26, 2019, seeking additional findings of fact and conclusions of law in relation to the Order. On May 1, 2019, Appellee Na Pua Makani Power Partners, LLC ("**NPM**"), through its counsel John P. Manaut, Esq. and Puananionaona P. Thoene, Esq., filed its Statement of Position

I do hereby certify that this is a full, true, and  
correct copy of the original on file in this office.

4851-5358-9911.1.068719-00002

Clerk, First Circuit, State of Hawaii

in Response to Appellant's Request for Further Findings and Conclusions filed April 26, 2019. Appellees Board of Land and Natural Resources ("BLNR"), Department of Land and Natural Resources, and Suzanne D. Case, in her official capacity as Chairperson of the Board of Land and Natural Resources, are represented by William J. Wynhoff, Esq. and Cindy Y. Young, Esq.

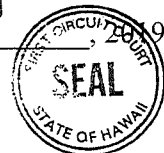
After considering the additional written submissions, the arguments made and authorities cited therein, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the Order dated April 10, 2019, affirming the BLNR's Findings of Facts, Conclusions of Law, and Decision Order dated May 18, 2018, is sufficient and will not be changed. The Order, therefore, is AFFIRMED.

DATED: Honolulu, Hawai'i, \_\_\_\_\_

MAY 22 2019

JAMES S. KAWASHIMA



\_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

for

**JEFFREY P. CRABTREE**

APPROVED AS TO FORM:

\_\_\_\_\_  
MAXX E. PHILLIPS, ESQ.

Attorney for Appellant

KEEP THE NORTH SHORE COUNTRY

\_\_\_\_\_  
WILLIAM J. WYNHOFF, ESQ.  
CINDY Y. YOUNG, ESQ.  
Attorneys for Appellees  
BOARD OF LAND AND NATURAL  
RESOURCES, the DEPARTMENT OF  
LAND AND NATURAL  
RESOURCES, SUZANNE D. CASE,  
in her official capacity as Chairperson  
of the Board of Land and Natural  
Resources

\_\_\_\_\_  
*Keep the North Shore Country v. Board of Land and Natural Resources, et al.*, Civ. No. 18-1-0960-06  
JPC (Agency Appeal); **FINAL ORDER AFFIRMING ORDER AFFIRMING BLNR'S DECISION**

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

2019 MAY 23 AM 10:14

J. KUBO  
CLERK

CARLSMITH BALL LLP

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Tel No. 808.523.2500  
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Attorneys for Appellee  
NA PUA MAKANI POWER PARTNERS, LLC

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KEEP THE NORTH SHORE COUNTRY,

Appellant,

vs.

BOARD OF LAND AND NATURAL  
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D. CASE, in her official capacity as  
Chairperson of the Board of Land and Natural  
Resources and NA PUA MAKANI POWER  
PARTNERS, LLC,

Appellees.

CIVIL NO. 18-1-0960-06 JPC  
(AGENCY APPEAL)

**FINAL JUDGMENT**

JUDGE: HON. JEFFREY P. CRABTREE

**FINAL JUDGMENT**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, in accordance with Rule 58 of the Hawai'i Rules of Civil Procedure, and pursuant to the ORDER AFFIRMING BLNR'S DECISION dated April 10, 2019, and that certain FINAL ORDER AFFIRMING ORDER AFFIRMING BLNR'S DECISION ENTERED APRIL 10, 2019, that FINAL JUDGMENT is hereby entered in favor of Appellees Board of Land and Natural Resources, the Department of Land and Natural Resources, Suzanne D. Case, in her official capacity as Chairperson of the

I do hereby certify that this is a full, true, and  
correct copy of the original on file in this office.

4812-0445-5831.1.068719-00002

Clerk, First Circuit, State of Hawaii

Board of Land and Natural Resources, and Na Pua Makani Power Partners, LLC, and against Appellant Keep the North Shore Country on all claims, causes of action and the appeal in this action. There are no claims or issues remaining for adjudication against any parties in this action, and therefore this Judgment in favor of Appellees is a final judgment under *Jenkins v. Cades Schutte Fleming & Wright*, 76 Hawai'i 115, 869 P.2d 1334 (1994).

DATED: Honolulu, Hawai'i, \_\_\_\_\_, 2019.


---

JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

---

MAXX E. PHILLIPS, ESQ.  
Attorney for Appellant  
KEEP THE NORTH SHORE COUNTRY

  
WILLIAM J. WYNHOFF, ESQ.  
CINDY Y. YOUNG, ESQ.  
Attorneys for Appellees  
BOARD OF LAND AND NATURAL  
RESOURCES, the DEPARTMENT OF  
LAND AND NATURAL  
RESOURCES, SUZANNE D. CASE,  
in her official capacity as Chairperson  
of the Board of Land and Natural  
Resources

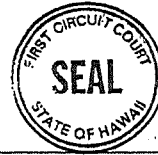
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*Keep the North Shore Country v. Board of Land and Natural Resources, et al.*, Civ. No. 18-1-0960-06  
JPC (Agency Appeal); **FINAL JUDGMENT**

Board of Land and Natural Resources, and Na Pua Makani Power Partners, LLC, and against Appellant Keep the North Shore Country on all claims, causes of action and the appeal in this action. There are no claims or issues remaining for adjudication against any parties in this action, and therefore this Judgment in favor of Appellees is a final judgment under *Jenkins v. Cades Schutte Fleming & Wright*, 76 Hawai'i 115, 869 P.2d 1334 (1994).

DATED: Honolulu, Hawai'i, MAY 22 2019, 2019.

JAMES S. KAWASHIMA



JUDGE OF THE ABOVE-ENTITLED COURT

*for* **JEFFREY P. CRABTREE**

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Maxx E. Phillips". The signature is written over a horizontal line.

MAXX E. PHILLIPS, ESQ.  
Attorney for Appellant  
KEEP THE NORTH SHORE COUNTRY

\_\_\_\_\_  
WILLIAM J. WYNHOFF, ESQ.  
CINDY Y. YOUNG, ESQ.  
Attorneys for Appellees  
BOARD OF LAND AND NATURAL  
RESOURCES, the DEPARTMENT OF  
LAND AND NATURAL  
RESOURCES, SUZANNE D. CASE,  
in her official capacity as Chairperson  
of the Board of Land and Natural  
Resources

\_\_\_\_\_  
*Keep the North Shore Country v. Board of Land and Natural Resources, et al.*, Civ. No. 18-1-0960-06  
JPC (Agency Appeal); **FINAL JUDGMENT**