

# MCCORRISTON MILLER MUKAI MACKINNON LLP

ATTORNEYS AT LAW

October 3, 2008

*Via Certified Mail (Return Receipt Requested)*

Mr. Joel Gimpel  
Chairman, Hawaii County Board of Appeals  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

**Re: Motion to Continue Hearing on Kamakani O Kohala Ohana's (KAKO'O) Petition to Intervene in Petitioner Kohala Preserve Conservation Trust, LLC's ("KPCT"), Appeal Of The Planning Director's Decision Of July 3, 2008, To Defer Action On KPCT's Application For Proposed Subdivision And Approval Of Preliminary Plat Map, BOA 08-000070**

Dear Chairman Gimpel:

We represent Petitioner KPCT in the above referenced appeal which is scheduled for hearing on October 10, 2008.

We understand that KAKO'O filed a Petition to Intervene in this appeal on September 30, 2008. Concurrently with this letter, KPCT has filed a motion to continue the hearing on this appeal, currently scheduled for October 10, 2008, to November 14, 2008, or the next available date thereafter. The Planning Director has agreed to the continuance.

Accordingly, in the interests of promoting efficiency in this proceeding and avoiding unnecessary expense, KPCT requests that the Board defer ruling on KAKO'O's Petition to Intervene until the rescheduled hearing on the appeal. KAKO'O will not be prejudiced by this action as it will still have the opportunity to be heard prior to any hearing on the appeal itself, or other action by the Board on the merits of the appeal.

Notwithstanding this request, KPCT intends to file objections to KAKO'O's Petition to Intervene within the time prescribed by the applicable rules.

This letter is intended to constitute a motion under the Hawaii County Board of Appeals Rules of Practice and Procedure.

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Thank you for your consideration of this matter.

Very truly yours,

McCORRISTON MILLER MUKAI MacKINNON LLP



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