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July 25, 2003

James C. Paige
Deputy Attorney General
465 S. King Street, Room 300
Honolulu, Hawaii 96813

RE: Peter T. Young Letter dated July 18, 2003
Lifting Cease and Desist Order, Pu`u Ohau

Dear Mr. Paige:

On July 24, 2003, this office received a copy of BLNR Chairperson Peter T. Young's July 18, 2003 letter to John DeFries informing him and others that the cease and desist order for Pu`u Ohau had been lifted. This office is troubled by Mr. Young's clear misrepresentation of the facts as evidenced by the last sentence of the third paragraph on page one. By that sentence, your client claims "[t]he court ultimately determined that the letter [to Mr. DeFries from Mr. Young dated January 28, 2003 regarding the placement of the protective wall around Pu`u Ohau] complied with the terms of the settlement agreement."

As you well know, the court did no such thing. This statement is patently false. As counsel for Defendant DLNR, you attended hearings on each of Plaintiff PKO's motions to vacate. Therefore, you know first hand that while the court denied these motions, it did not rule on the merits because Plaintiffs still had the option of filing an independent cause of action for your client's breach of the settlement agreement. Furthermore, as an officer of the court and at the hearing on PKO's second motion, you in fact argued that the court need not consider the merits of Plaintiffs motion because Plaintiffs could file an independent action for enforcement of the settlement agreement. PKO and Plaintiff Kelly have done so and I understand that you have both received an unfiled copy of the complaint for specific performance and were recently served a filed copy.

Given your client's misrepresentation of the current state of affairs, PKO requests that you, as Chairperson Young's counsel, require that he set the record straight in writing to all concerned.

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In addition, my office has extremely credible genealogical evidence that the Keohokalole `ohana is not a lineal descendant, collateral or otherwise, to Kamae. As such, prior recognition of this `ohana as the "senior descendant line" to Kamae is erroneous. Your client has relied heavily on the opinion of this `ohana to make his decision dated January 28, 2003 regarding the placement of the 6-foot high wall around Pu`u Ohau. Given this revelation, which we invite your client's genealogist staff to verify, my client Protect Keopuka `Ohana, demands the immediate retraction of your client's January 23, 2003 decision.

Should you disagree with the above or wish to discuss this matter further please do not hesitate to contact me at 521-2302.

Sincerely,



Moses K. N. Haia III

cc: Peter T. Young
John DeFries
Chris Yuen
Jim Medeiros, Sr.
Walter John Kelly
Members of the Hawaii Island Burial Council