

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

REBECCA MELENDEZ,

Petitioner,

v.

KAMEHAMEHA SCHOOLS (BISHOP ESTATE); HAWAII COUNTY PLANNING, JEFF DARROW
IN HIS OFFICIAL CAPACITY AS DIRECTOR; MARISSA HARMAN, IN HER PROFESSIONAL &
OFFICIAL CAPACITY; G70; KAWIKA MCKEAGUE, IN HIS OFFICIAL CAPACITY; JANE DOES 1-
20; DOE ENTITIES 1-20; DOE GOVERNMENT ENTITIES 1-20,

Respondents.

Civil No. 3CCV-25-0000438

(Declaratory Judgment)

PETITIONER'S MOTION FOR LEAVE, NUNC PRO TUNC, TO FILE NOTICE OF SUPPLEMENTAL
FILING [DKT. 118]

CERTIFICATE OF SERVICE

NON-HEARING MOTION

JUDGE: Honorable Kauanoë Jackson

TRIAL DATE: None

**Electronically Filed
THIRD CIRCUIT
3CCV-25-0000438
27-JUL-2026
10:23 AM
Dkt. 124 MOT**

**RECEIVED
(LDB)
JUL 27 2026**

Petitioner Rebecca Melendez, appearing pro se, respectfully moves this Court for leave, nunc pro tunc, for the filing of Petitioner's Notice of Supplemental Filing Regarding Respondents G70 and Kawika McKeague's July 16, 2026 Errata [Dkt. 118], filed on July 24, 2026.

I. BACKGROUND

On July 23, 2026, Petitioner received correspondence dated July 16, 2026, issued by Respondent G70 and signed by Respondent Mark Kawika McKeague concerning an errata to the Final Environmental Impact Statement ("FEIS") that is the subject of this proceeding.

The correspondence was received after Petitioner had already filed the pending Motion for Reconsideration [Dkt. 111] and relates directly to issues raised in that motion. Believing it important that the Court have the newly received correspondence before it while the Motion for Reconsideration remained pending, Petitioner promptly filed the Notice of Supplemental Filing [Dkt. 118].

In their Memorandum in Opposition to Petitioner's Motion for Reconsideration [Dkt. 120], Respondents G70 and Kawika McKeague note that the Notice was filed without first obtaining leave of Court.

Petitioner did not know, prior to Respondents' Opposition [Dkt. 120], that leave of Court was required before filing a notice of this kind. Petitioner is a self-represented litigant without legal training, and filed the Notice promptly and in good faith upon receiving the July 16, 2026 correspondence, reasonably believing it was important for the Court to have this information while the Motion for Reconsideration remained pending. Petitioner was not aware of any requirement to first seek leave of Court, and did not learn of this requirement until Respondents raised it in their Opposition. This was an honest gap in Petitioner's understanding of court procedure, not an attempt to circumvent the Court's rules or obtain an unfair advantage. Petitioner respectfully requests that the Court grant leave, nunc pro tunc, so that the Notice may properly remain part of the record.

II. LEAVE SHOULD BE GRANTED

The Court has inherent authority to manage its docket and to accept filings that assist it in resolving matters properly before it.

The Notice was brief, factual, and directly relevant to the pending Motion for Reconsideration. It did not request additional relief, present new legal argument, or seek additional briefing. Rather, it informed the Court of newly received correspondence that Petitioner reasonably believed was relevant to the pending Motion.

Granting leave will not prejudice Respondents. Respondents received the Notice through the same service process required for filings in this action and fully addressed the July 16, 2026 correspondence in their Opposition. See Dkt. 120 at 4 n.3.

Because Respondents have already responded to the substance of the Notice, granting leave will not require additional briefing, alter any briefing deadline, or delay these proceedings.

Granting leave, nunc pro tunc, will simply confirm that Petitioner's Notice of Supplemental Filing [Dkt. 118], which is already before the Court and has already been substantively addressed by Respondents, is properly part of the record.

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant leave, nunc pro tunc, for the filing of Petitioner's Notice of Supplemental Filing [Dkt. 118].

DATED: Kailua-Kona, Hawai'i, 7-27, 2026.

Respectfully submitted,

REBECCA MELENDEZ

Petitioner, Pro Se



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was duly served upon the following parties by depositing the same in the United States mail, postage prepaid, on 7-27, 2026:

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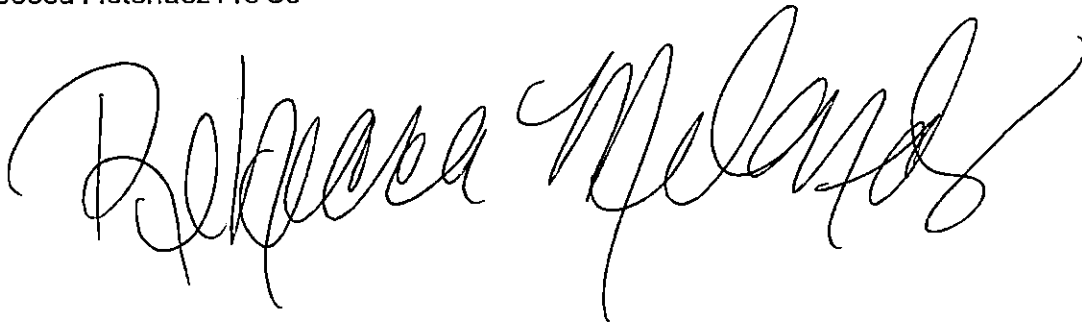
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Attorney for Respondents County of Hawai'i and Jeff Darrow

DATED: Kailua-Kona, Hawai'i, 7-27, 2026.

Rebecca Melendez Pro Se

A handwritten signature in black ink, appearing to read "Rebecca Melendez". The signature is written in a cursive, flowing style with large, connected loops.

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20; DOE ENTITIES 1-20; DOE GOVERNMENT ENTITIES 1-20,

Respondents.

Civil No. 3CCV-25-0000438

(Declaratory Judgment)

[PROPOSED] ORDER ON PETITIONER'S MOTION FOR LEAVE, NUNC PRO TUNC, TO FILE
NOTICE OF SUPPLEMENTAL FILING [DKT. 118] Petitioner's Motion for Leave, Nunc Pro
Tunc, to File Notice of Supplemental Filing [Dkt. 118] came before this Court for
consideration. After reviewing the motion, the record in this case, and any memoranda and
arguments submitted, the Court orders as follows:

☐ GRANTED OR ☐ DENIED

If GRANTED, Petitioner's Notice of Supplemental Filing [Dkt. 118] is accepted nunc pro
tunc as of July 24, 2026, and shall be considered part of the record. IT IS SO ORDERED.

DATED: Hilo, Hawai'i, _____, 2026.

HONORABLE KAUANOE JACKSON Judge of the Above-Entitled Court