

OF COUNSEL:

MATSUBARA, LEE & KOTAKE
A Law Corporation

BENJAMIN M. MATSUBARA, #993-0
GARY B. K. T. LEE, #1469-0
JASON M. YOSHIDA, #4430-0
Charles R. Kendall Building
888 Mililani Street, Eighth Floor
Honolulu, Hawaii 96813
Telephone: 526-9566

Attorneys for Defendants.

TRUE GEOTHERMAL ENERGY CO.,
TRUE GEOTHERMAL DRILLING CO., and
MID-PACIFIC GEOTHERMAL, INC.

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

PELE DEFENSE FUND,	)	CIVIL No. 89-089
)	
Plaintiff,	)	DEFENDANTS TRUE GEOTHERMAL
	)	ENERGY CO., TRUE GEOTHERMAL
vs.	)	DRILLING CO., AND
	)	MID-PACIFIC GEOTHERMAL, INC.'S
WILLIAM PATY, in his capacity	)	MOTION FOR PROTECTIVE ORDER
as Chairman of the Board	)	OR IN THE ALTERNATIVE TO
of Land and Natural Resources,	)	QUASH SUBPOENA DUCES TECUM;
State of Hawaii, MOSES	)	MEMORANDUM IN SUPPORT OF MOTION;
KEALOHA, DOUGLAS ING, LEONARD	)	EXHIBIT "1"; AFFIDAVIT OF ALLAN
ZALOPANY, JOHN ARISUMI and	)	G. KAWADA; NOTICE OF HEARING
HERBERT ARATA, in their	)	OF MOTION; CERTIFICATE OF SERVICE
capacity as members of the)	
Board of Land and Natural)	
Resources; The Estate of)	
JAMES CAMPBELL, Deceased,)	
FRED E. TROTTER, W.H. McVAY,	)	Hearing: April 16, 1993
P.R. CASSIDAY, and HERBERT C.	)	Time: 8:30 a.m.
CORNUELLE, in their fiduciary	)	Judge: Riki May Amano
capacity as Trustees under)	
the Will of James Campbell,)	
Deceased, TRUE ENERGY)	
GEOTHERMAL CORP., TRUE)	
GEOTHERMAL DRILLING CO., and)	
MID-PACIFIC GEOTHERMAL, INC.,)	
)	
Defendants.)	

DEFENDANTS TRUE GEOTHERMAL ENERGY CO.,
TRUE GEOTHERMAL DRILLING CO., AND
MID-PACIFIC GEOTHERMAL, INC.'S MOTION FOR PROTECTIVE ORDER
OR IN THE ALTERNATIVE, TO QUASH SUBPOENA DUCES TECUM


COME NOW, Defendants TRUE GEOTHERMAL ENERGY CO., TRUE GEOTHERMAL DRILLING CO., and MID-PACIFIC GEOTHERMAL, INC., (hereinafter collectively referred to as "Defendants True") by and through their attorneys, MATSUBARA, LEE & KOTAKE, and moves this Court for a protective order or in the alternative, an order to quash the Subpoena Duces Tecum issued to Allan G. Kawada.

Additionally, Defendants True request this Court to award their attorney's fees and costs incurred in bringing this Motion.

Defendants' True Motion is made pursuant to Rules 7, 26, 34 and 45 of the Hawaii Rules of Civil Procedure and is based upon the Memorandum in Support of Motion and Affidavit attached hereto and by reference made a part hereof and the records and files herein.

DATED: Honolulu, Hawaii, April 8, 1993.

OF COUNSEL:
MATSUBARA, LEE & KOTAKE
A Law Corporation



BENJAMIN M. MATSUBARA
GARY B. K. T. LEE
JASON M. YOSHIDA
Attorneys for Defendants
TRUE GEOTHERMAL ENERGY CO.,
TRUE GEOTHERMAL DRILLING CO.,
and MID-PACIFIC GEOTHERMAL, INC.

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

PELE DEFENSE FUND,	)	CIVIL No. 89-089
)	
Plaintiff,	)	MEMORANDUM IN SUPPORT OF
	)	MOTION
vs.)	
)	
WILLIAM PATY, in his capacity)	
as Chairman of the Board)	
of Land and Natural Resources,)	
State of Hawaii, MOSES)	
KEALOHA, DOUGLAS ING, LEONARD)	
ZALOPANY, JOHN ARISUMI and)	
HERBERT ARATA, in their)	
capacity as members of the)	
Board of Land and Natural)	
Resources; The Estate of)	
JAMES CAMPBELL, Deceased,)	
FRED E. TROTTER, W.H. McVAY,)	
P.R. CASSIDAY, and HERBERT C.)	
CORNUELLE, in their fiduciary)	
capacity as Trustees under)	
the Will of James Campbell,)	
Deceased, TRUE ENERGY)	
GEOHERMAL CORP., TRUE)	
GEOHERMAL DRILLING CO., and)	
MID-PACIFIC GEOHERMAL, INC.,)	
)	
Defendants.)	

MEMORANDUM IN SUPPORT OF MOTIONBACKGROUND

On or about April 7, 1993, Defendants TRUE GEOTHERMAL ENERGY CO., TRUE GEOTHERMAL DRILLING CO. and MID-PACIFIC GEOTHERMAL, INC. ("Defendants True"), through their counsel, received a file-marked copy of the Notice of Taking Depositions Upon Oral Examination dated March 26, 1993. Attached to said Notice as Exhibit "A" was a Subpoena Duces Tecum issued to Allan G. Kawada. A true and correct copy of the Notice of Taking

Depositions Upon Oral Examination and Exhibit "A" thereto is attached as Exhibit "1" and by reference made a part hereof.

Allan G. Kawada, who is an employee of Defendant TRUE GEOTHERMAL ENERGY CO., and who is not a party, has been requested pursuant to the Subpoena Duces Tecum (Exhibit "1") to produce the records of Defendants True. The proper method to obtain documents from a party, is pursuant to Rule 34 of the Hawaii Rules of Civil Procedure by way of a request for production of documents.

As none of the documents sought by the Subpoena Duces Tecum to Allan G. Kawada (Exhibit "1") are the property of Mr. Kawada, the Subpoena Duces Tecum should either be quashed or a protective order issued. See Affidavit of Allan G. Kawada attached hereto.

Even assuming arguendo that the Subpoena Duces Tecum (Exhibit "1") has been properly issued to Allan G. Kawada, it is the position of Defendants True that said Subpoena Duces Tecum should be quashed and/or a protective order issued to limit the records and documents that must be produced.

Rule 45(b)(1) of the Hawaii Rules of Civil Procedure provides that a subpoena may be quashed or modified if it is unreasonable and oppressive. See Powers v. Shaw, 1 Haw. App. 374, 619 P.2d 1098 (1980). Rule 26(c) of the Hawaii Rules of Civil Procedure provides that for good cause shown, the court may issue a protective order which protects a party or person from annoyance, embarrassment, oppression, or undue burden or expense and that said order may include provisions that certain matters not be inquired

into, or that the scope of discovery be limited to certain matters. Rule 26(c)(4) of the Hawaii Rules of Civil Procedure.

In this matter, the Judgment on Appeal which remanded only a portion of this case, limited the issue before this Court to whether Defendant, THE ESTATE OF JAMES CAMPBELL, and Defendants True "violated Article XII, Section 7 by the continued denial of access into the undeveloped areas of Wao Kele 'O Puna and other exchanged lands to Native Hawaiian PDF members who seek access for customarily and traditionally exercise subsistence, cultural and religious practices." The sole issue before this Court as to Defendants True is whether said Defendants denied access to the specified person or persons into the land involved.

In the Subpoena Duces Tecum filed in this matter (Exhibit "1"), Plaintiff seeks the following:

1. The lease or other legal document which shows the legal relationship between Defendants True and Defendant THE ESTATE OF JAMES CAMPBELL or other document embodying the right of Defendants True to enter onto the premises of the Defendant THE ESTATE OF CAMPBELL's lands for geothermal or other exploration and/or development activities. Clearly the lease and the terms thereof, other than the fact that Defendant THE ESTATE OF JAMES CAMPBELL is the lessor under said lease and Defendant TRUE GEOTHERMAL ENERGY CO. is the lessee under said lease, and a description of the boundaries of the property that is being leased, is not relevant in this matter, is not reasonably calculated to

lead to discovery of admissible evidence and therefore is not discoverable. See Apel v. Murphy, 70 F.R.D. 651 (1976).

2. The current plan of operations for geothermal exploration and/or development activities at Wao Kele 'O Puna and adjoining lands. This information is not discoverable as it (a) is not relevant as it is not related to the issue of denial of access and not reasonably calculated to lead to admissible evidence [Rule 26(b) HRCF], (b) involves trade secrets, confidential research, development or commercial information [Rule 26(c) (7) HRCF], and (c) overbroad, oppressive, ambiguous, and unduly burdensome as it requests information regarding "adjoining lands" without any description of said "adjoining lands" [Rule 26(c) HRCF]. See Kukui Nuts of Haw., Inc. v. R. Baird & Co., 7 Haw. App. 598, 789 P.2d 501 (1990).

3. All permits, issued by the State of Hawaii or the County of Hawaii, or other governmental subdivision of the State relating to the construction of the first access road into Wao Kele 'O Puna and the first and second well sites at Wao Kele 'O Puna and adjoining lands. While the permits requested may be public records if issued by the State of Hawaii or the County of Hawaii, or other governmental subdivision of the State, said permits are also not relevant to the limited issue before this Court. In addition, this information is not reasonably calculated to lead to the discovery of admissible evidence and is ambiguous as to what is meant by "adjoining lands".

4. All permit applications for activities beyond the first access road and well sites one and two in Wao Kele 'O Puna and adjoining lands. Again, all permit applications that have been submitted may be public records that are discoverable, however, in this particular matter they are not relevant. The request is also overbroad, unduly burdensome, and ambiguous as it addresses "adjoining lands" without a description of what the "adjoining lands" include.

5. Copies of any and all correspondence and documentation relating to geothermal exploration and/or development activities in Wao Kele 'O Puna and adjoining lands. This request again as it relates to what may be public records, may be discoverable, but is not relevant to this matter, may include confidential, proprietary information, and again refers to "adjoining lands" without any definition thereof.

6. Copies of any and all correspondence, internal memoranda or other documents relating to Defendants' True policies concerning access to Wao Kele 'O Puna and adjoining lands. Again the documents sought and request made by Plaintiff are not relevant to this matter, may involve confidential, proprietary information, is ambiguous and therefore are not discoverable.


As discussed above, the issue that has been remanded to this Court is very limited. It involves the narrow issue of whether there has been denial of access into the undeveloped areas of Wao Kele 'O Puna and other exchanged lands. None of the documents sought by Plaintiff involve or relate to this issue as

this issue would be predicated on actual denial of access to the members of Plaintiff that qualify for access. Plaintiff is not seeking discovery in regard to the limited issue remaining in this case. It is instead attempting to broaden the issues in this matter.

For the reasons and arguments stated above, it is respectfully submitted by Defendants True that their Motion be granted and that this Court award Defendants True their reasonable expenses and attorney's fees incurred in obtaining an Order herein.

DATED: Honolulu, Hawaii, April 8, 1993.

OF COUNSEL:
MATSUBARA, LEE & KOTAKE
A Law Corporation



BENJAMIN M. MATSUBARA
GARY B. K. T. LEE
JASON M. YOSHIDA
Attorneys for Defendants
TRUE GEOTHERMAL ENERGY CO.,
TRUE GEOTHERMAL DRILLING CO.,
and MID-PACIFIC GEOTHERMAL, INC.

NATIVE HAWAIIAN LEGAL CORPORATION
 1164 Bishop Centre
 1164 Bishop Street, Suite 1205
 Honolulu, Hawaii 96813
 Telephone: (808) 521-2302

ALAN T. MURAKAMI 2285
 PAUL F. N. LUCAS 4561

STEVEN C. MOORE
 NATIVE AMERICAN RIGHTS FUND
 1506 Broadway
 Boulder, Colorado 80302
 Telephone: (303) 447-8760

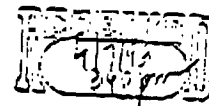
YUKLIN ALULI 1428
 415-C Uluniu Street
 Kailua, Hawaii 96734
 Telephone: (808) 262-5900

Attorneys for Plaintiff
 PELE DEFENSE FUND

THIRD CIRCUIT COURT
 STATE OF HAWAII
 FILED

93 APR -2 PM 3:23

CHARLENE L. SHAWA
 CLERK



IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

PELE DEFENSE FUND,	)	CIVIL NO. 89-089 (Hilo)
	)	(Declaratory Judgment/
Plaintiff,	)	Injunction)
)	
vs.	)	NOTICE OF TAKING DEPOSITIONS.
	)	UPON ORAL EXAMINATION; EXHIBITS
WILLIAM PATY, et al.,	)	"A"- "D"; CERTIFICATE OF SERVICE
)	
Defendants.)	

NOTICE OF TAKING
DEPOSITIONS UPON ORAL EXAMINATION

TO: Michael W. Gibson, Esq.
 Keith M. Yonamine, Esq.
 Ashford & Wriston
 Suite 1400, Alii Place
 1099 Alakea Street
 Honolulu, Hawaii 96813

Attorneys for Defendants
 THE ESTATE OF JAMES CAMPBELL, Deceased,
 F.E. TROTTER, W.H. MCVAY, P.R. CASSIDAY,
 Trustees under the Will and of the Estate
 of James Campbell, Deceased, acting in

EXHIBIT "1"

of James Campbell, Deceased, acting in their fiduciary and not in their individual capacities, and HERBERT C. CORNUELLE

Benjamin M. Matsubara, Esq.
Gary B.K.T. Lee, Esq.
Jason M. Yoshida, Esq.
Matsubara, Lee & Kotake
Suite 800, Kendall Building
888 Mililani Street
Honolulu, Hawaii 96813

Attorneys for Defendants
TRUE ENERGY GEOTHERMAL CORP.,
TRUE GEOTHERMAL DRILLING CO., and
MID-PACIFIC GEOTHERMAL, INC.

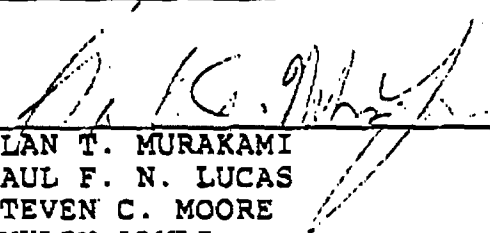
PLEASE TAKE NOTICE that Plaintiff PELE DEFENSE FUND shall take the oral depositions of the following individuals on the dates and times as listed below:

<u>NAME</u>	<u>DATE/TIME</u>
Allan G. Kawada c/o Matsubara, Lee & Kotake Charles R. Kendall Building 888 Mililani Street, 8th Floor Honolulu, Hawaii 96813	Tuesday, April 20, 1993, @ 1:00 p.m. and Wednesday, April 21, 1993, @ 9:00 a.m.
Russell Alger c/o Ashford & Wriston Suite 1400, Alii Place 1099 Alakea Street Honolulu, Hawaii 96813	Wednesday, April 21, 1993, @ 1:00 p.m.
Dr. Fred D. Stone University of Hawaii @ Hilo Hawaii Community College General Education Division 523 W. Lanikala Street Hilo, Hawaii 96720	Thursday, April 22, 1993, @ 9:00 a.m.
Maurice Kaya Energy Program Administrator Department of Business Economic Development & Tourism 335 Merchant Street, Room 108 Honolulu, Hawaii 96813	Thursday, April 22, 1993, @ 1:00 p.m.

Said depositions will be taken at the offices of Native Hawaiian Legal Corporation, 1164 Bishop Centre, 1164 Bishop Street, Suite 1205, Honolulu, Hawaii, before a notary public duly sworn to administer oaths, pursuant to Rule 30 of the Hawaii Rules of Civil Procedure, and to testify on behalf of Plaintiff in the above-entitled matter.

The above deponents will be required by Subpoena Duces Tecum to have available any and all records pertaining to all items listed in said Subpoenaes Duces Tecum attached hereto as Exhibits "A" through "D". Said depositions will continue from day to day until completed.

DATED: Honolulu, Hawaii, MARCH 26, 1993.


ALAN T. MURAKAMI
PAUL F. N. LUCAS
STEVEN C. MOORE
YUKLIN ALULI
Attorney for Plaintiff
PELE DEFENSE FUND

NATIVE HAWAIIAN LEGAL CORPORATION
 1164 Bishop Centre
 1164 Bishop Street, Suite 1205
 Honolulu, Hawaii 96813
 Telephone: (808) 521-2302

ALAN T. MURAKAMI 2285
 PAUL F. N. LUCAS 4561

STEVEN C. MOORE
 NATIVE AMERICAN RIGHTS FUND
 1506 Broadway
 Boulder, Colorado 80302
 Telephone: (303) 447-8760

YUKLIN ALULI 1428
 415-C Uluniu Street
 Kailua, Hawaii 96734
 Telephone: (808) 262-5900

Attorneys for Plaintiff
 PELE DEFENSE FUND

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

PELE DEFENSE FUND,	)	CIVIL NO. 89-089 (Hilo)
	)	(Declaratory Judgment/
Plaintiff,	)	Injunction)
)	
vs.	)	SUBPOENA DUCES TECUM
)	
WILLIAM PATY, et al.,)	
)	
Defendants.)	
)	

SUBPOENA DUCES TECUM

THE STATE OF HAWAII:

TO THE SHERIFF OF THE STATE OF HAWAII or his Deputy or any
 Police Officer in the State of Hawaii:

YOU ARE COMMANDED to Subpoena ALLAN G. KAWADA, Hawaii
 Project Coordinator of True Geothermal Energy Company, whose
 address is Suite 868, Central Pacific Plaza, 220 South King

EXHIBIT "A"
 (consisting of four pages)

Street, Honolulu, Hawaii 96813, to appear for his deposition upon oral examination, before a notary public duly authorized by law to administer oaths, at the offices of Native Hawaiian Legal Corporation, 1164 Bishop Centre, 1164 Bishop Street, Suite 1205, Honolulu, Hawaii, on Tuesday, April 20, 1993 at 1:00 p.m. and Wednesday, April 21, 1993 at 9:00 a.m., and to bring with him the following items:

1. The lease or other legal document embodying the legal relationship between True Geothermal and the Campbell Estate, or other document embodying the right of True Geothermal to enter onto the premises of the Campbell lands for geothermal or other exploration and/or development activities;

2. The current True Geothermal plan of operations for geothermal exploration and/or development activities at Wao Kele 'O Puna and adjoining lands;

3. All permits, issued by the State of Hawaii or the County of Hawaii, or other governmental subdivision of the state, for activities relating to the construction of the first access road into Wao Kele 'O Puna, and the first and second well sites at Wao Kele 'O Puna and adjoining lands;

4. All permit applications for any or all activities beyond the first access road and well sites one and two in Wao Kele 'O Puna and adjoining lands;

5. Copies of any and all correspondence and/or other documentation with all State or County of Hawaii agencies

relating to geothermal exploration and/or development activities in Wao Kele 'O Puna and adjoining lands; and

6. Copies of any and all correspondence, internal memoranda, or other documents (i.e., instructions to security guards, etc.) relating to True's policies concerning access to Wao Kele 'O Puna and adjoining lands by native Hawaiians for purposes of exercising rights under Section 1-1, Hawaii Revised Statutes, and Article XII, Section 7 of the Hawaii Constitution.

DATED: Honolulu, Hawaii, _____.

CLERK OF THE ABOVE-ENTITLED COURT

RETURN OF SERVICE

Received this Subpoena Duces Tecum at _____

_____ on _____ and on _____

I served it on the within named _____

_____ by

delivering a copy to h__ and tendering to h__ the fee for one
day's attendance and the mileage allowed by law.

DATED: Honolulu, Hawaii, _____.

Deputy Sheriff, State of Hawaii

END OF EXHIBIT "1"

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

PELE DEFENSE FUND,	)	CIVIL No. 89-089
)	
Plaintiff,	)	AFFIDAVIT OF ALLAN G. KAWADA
)	
vs.)	
)	
WILLIAM PATY, in his capacity)	
as Chairman of the Board)	
of Land and Natural Resources,)	
State of Hawaii, MOSES)	
KEALOHA, DOUGLAS ING, LEONARD)	
ZALOPANY, JOHN ARISUMI and)	
HERBERT ARATA, in their)	
capacity as members of the)	
Board of Land and Natural)	
Resources; The Estate of)	
JAMES CAMPBELL, Deceased,)	
FRED E. TROTTER, W.H. McVAY,)	
P.R. CASSIDAY, and HERBERT C.)	
CORNUELLE, in their fiduciary)	
capacity as Trustees under)	
the Will of James Campbell,)	
Deceased, TRUE ENERGY)	
GEOTHERMAL CORP., TRUE)	
GEOTHERMAL DRILLING CO., and)	
MID-PACIFIC GEOTHERMAL, INC.,)	
)	
Defendants.)	

AFFIDAVIT OF ALLAN G. KAWADA

STATE OF HAWAII)	
	)	ss:
CITY AND COUNTY OF HONOLULU)	

ALLAN G. KAWADA, being first duly sworn on oath, deposes and says:

1. That he is an employee of True Geothermal Energy Company and has been so for the past eleven (11) years.
2. That he is the Hawaii Project Coordinator for True Geothermal Energy Company and True Geothermal Drilling Company

(hereinafter collectively referred to as "True Geothermal") in the above-captioned matter.

3. That he has reviewed the Notice of Taking Depositions Upon Oral Examination and Subpoena Duces Tecum issued to Affiant which are attached to the Memorandum in Support of Motion as Exhibit "1".


4. That none of the documents described in the Subpoena Duces Tecum addressed to Affiant (Exhibit "1") are his individual property.

5. That the information and documents in regard to True Geothermal that are described in paragraphs 2, 5, and 6 of the Subpoena Duces Tecum (Exhibit "1") may include trade secrets, confidential research, development or commercial or proprietary information.

Further Affiant sayeth naught.


KELLAN G. KAWADA

Subscribed and sworn to before me
this 8th day of April, 1993.


Notary Public, State of Hawaii
My commission expires: 12/16/96

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

PELE DEFENSE FUND,	)	CIVIL No. 89-089
)	
Plaintiff,	)	NOTICE OF HEARING OF MOTION
)	
vs.)	
)	
WILLIAM PATY, in his capacity)	
as Chairman of the Board)	
of Land and Natural Resources,)	
State of Hawaii, MOSES)	
KEALOHA, DOUGLAS ING, LEONARD)	
ZALOPANY, JOHN ARISUMI and)	
HERBERT ARATA, in their)	
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Resources; The Estate of)	
JAMES CAMPBELL, Deceased,)	
FRED E. TROTTER, W.H. McVAY,)	
P.R. CASSIDAY, and HERBERT C.)	
CORNUELLE, in their fiduciary)	
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the Will of James Campbell,)	
Deceased, TRUE ENERGY)	
GEOTHERMAL CORP., TRUE)	
GEOTHERMAL DRILLING CO., and)	
MID-PACIFIC GEOTHERMAL, INC.,)	
)	
Defendants.)	

NOTICE OF HEARING OF MOTION

TO: ALAN T. MURAKAMI, Esq.
 PAUL F. N. LUCAS, Esq.
 1270 Queen Emma Street, Suite 1004
 Honolulu, Hawaii 96813

Attorneys for Plaintiff


WAYNE NASSER, Esq.
MICHAEL W. GIBSON Esq.
P.O. Box 131
Honolulu, Hawaii 96810

Attorneys for Defendants THE ESTATE OF JAMES
CAMPBELL, DECEASED, W.H. McVAY, P.R. CASSIDAY,
Trustees Under the Will and of the Estate of
James Campbell, Deceased, Acting in Their Fiduciary
and Not in Their Individual Capacities,
HERBERT C. CORNUELLE, and F.E. TROTTER

PLEASE TAKE NOTICE that the foregoing Motion will be
presented before the Honorable RIKI MAY AMANO, Judge of the above-
entitled Court, in her courtroom, Third Circuit Court, 75 Aupuni
Street, Hilo, Hawaii, 96720, on Friday, the 16th day of April,
1993, at 8:30 a.m., or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawaii, April 8, 1993.

OF COUNSEL:
MATSUBARA, LEE & KOTAKE
A Law Corporation



BENJAMIN M. MATSUBARA
GARY B. K. T. LEE
JASON M. YOSHIDA
Attorneys for Defendants
TRUE GEOTHERMAL ENERGY CO.,
TRUE GEOTHERMAL DRILLING CO., and
MID-PACIFIC GEOTHERMAL, INC.

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

PELE DEFENSE FUND,)	CIVIL No. 89-089
)	
Plaintiff,)	CERTIFICATE OF SERVICE
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vs.)	
)	
WILLIAM PATY, in his capacity)	
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State of Hawaii, MOSES)	
KEALOHA, DOUGLAS ING, LEONARD)	
ZALOPANY, JOHN ARISUMI and)	
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CORNUELLE, in their fiduciary)	
capacity as Trustees under)	
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Deceased, TRUE ENERGY)	
GEOTHERMAL CORP., TRUE)	
GEOTHERMAL DRILLING CO., and)	
MID-PACIFIC GEOTHERMAL, INC.,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document was duly served by mailing same, postage prepaid, on the 8th day of April, 1993, to the following:

ALAN T. MURAKAMI, Esq.
 PAUL F. N. LUCAS, Esq.
 1164 Bishop Street, Suite 1205
 Honolulu, Hawaii 96813


Attorneys for Plaintiff

WAYNE NASSER, Esq.
MICHAEL W. GIBSON Esq.
P.O. Box 131
Honolulu, Hawaii 96810

Attorneys for Defendants THE ESTATE OF JAMES
CAMPBELL, DECEASED, W.H. McVAY, P.R. CASSIDAY,
Trustees Under the Will and of the Estate of
James Campbell, Deceased, Acting in Their Fiduciary
and Not in Their Individual Capacities,
HERBERT C. CORNUELLE, and F.E. TROTTER

DATED: Honolulu, Hawaii, April 8, 1993

OF COUNSEL:
MATSUBARA, LEE & KOTAKE
A Law Corporation



BENJAMIN M. MATSUBARA
GARY B. K. T. LEE
JASON M. YOSHIDA
Attorneys for Defendants
TRUE GEOTHERMAL ENERGY CO.,
TRUE GEOTHERMAL DRILLING CO., and