

**FOR PUBLICATION**

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IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

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JEROME C. HAYES, Plaintiff-Appellant, and ISLAND INSURANCE COMPANY, INC., Plaintiff-Appellee, v. KENNETH J. DUTRO and HENRY'S EQUIPMENT RENTAL AND SALES, INC., Defendants-Appellees, and JOHN DOES 1-15; JANE DOES 1-15; DOE PARTNERSHIPS 1-15; DOE CORPORATIONS 1-15; DOE ENTITIES 1-15; and DOE GOVERNMENTAL UNITS 1-15, Defendants (No. 24733)

and

JEROME C. HAYES, Plaintiff-Appellant, and ISLAND INSURANCE COMPANY, LTD., Plaintiff, v. KENNETH J. DUTRO and HENRY'S EQUIPMENT RENTAL AND SALES, INC., Defendants-Appellees, and JOHN DOES 1-15; JANE DOES 1-15; DOE PARTNERSHIPS 1-15; DOE CORPORATIONS 1-15; DOE ENTITIES 1-15; and DOE GOVERNMENTAL UNITS 1-15, Defendants (No. 24829)

NOS. 24733 AND 24829

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(Civ. No. 00-1-1378)

AUGUST 16, 2004

WATANABE, ACTING C.J., LIM, AND FOLEY, JJ.

ORDER AMENDING OPINION OF THE COURT

The opinion of the court filed on June 3, 2004 is hereby amended as follows:

On page 9, in the third line of the second full paragraph, the date "December 12, 2002" shall be replaced with

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"December 12, 2001," so that the sentence reads, in relevant part: "Final judgment in favor of Defendants was entered on December 12, 2001, and Hayes filed a second notice of appeal on January 10, 2002."

The clerk of the court is directed to incorporate the foregoing change in the original opinion.

Acting Chief Judge

Associate Judge

Associate Judge