

NO. 24780

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JYOTSNA BHAKTA, Individually and as Personal Representative of the Estate of MITESH BHAKTA, Deceased; NIKHIL BHAKTA, a minor, by his Next Friend, CANDACE TURNER; DEWAL SHAH, Individually and as Personal Representative of the Estate of MEGHAL SHAH, Deceased; DAXA BHAKTA, Individually and as Personal Representative of the Estate of BHUPENDRA BHAKTA, Deceased; CATHY M. ARENDS, Individually and as Personal Representative of the Estate of DONALD ARENDS, Deceased, Plaintiffs-Appellants,

vs.

COUNTY OF MAUI, STATE OF HAWAI'I,
Defendants-Appellees,

and

JOHN DOES 1-5, JOHN DOE CORPORATIONS 1-5, JOHN DOE PARTNERSHIPS 1-5, ROE NON-PROFIT CORPORATIONS 1-5, and ROE GOVERNMENTAL AGENCIES 1-5, Defendants.

K. HAMAKADO
CLERK, APPELLATE COURT
STATE OF HAWAII

2005 DEC 30 PM 2:07

FILED

ORDER AMENDING THE OPINION OF THE COURT,
FILED DECEMBER 13, 2005

(By: Levinson, J., for the court¹)

IT IS HEREBY ORDERED that the last sentence of section III.B.1. on page 24 of this court's opinion, filed in the above-captioned matter on December 13, 2005, is amended as follows (deleted language is bracketed and stricken; new language is underscored):

~~[Assuming this court agrees,]~~ Consequently, the validity of COL No. 101 need not be addressed inasmuch as it was rendered on the assumption that Act 190 is an affirmative defense.

¹ Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

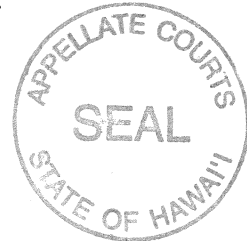
The Clerk of the Court is directed to incorporate the foregoing changes in the original opinion and take all necessary steps to notify the publishing agencies of these changes.

DATED: Honolulu, Hawai'i, December 30, 2005.

FOR THE COURT:

Steve O'Leary

Associate Justice



No. 24780 Bhakta v. County of Maui -- Order Amending
the Opinion of the Court, filed December 13, 2005