
NO. 24558

IN THE SUPREME COURT OF THE STATE OF HAWAII

MARIVIC FERREIRA, Plaintiff-Appellee

vs.

TIG INSURANCE COMPANY, Defendant-Appellant

and

JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10; DOE PARTNERSHIPS 1-10, DOE NON-PROFIT ENTITIES 1-10 and DOE GOVERNMENTAL ENTITIES 1-10, Defendants-Appellees

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 01-1-0209)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy JJ.)

Defendant-appellant TIG Insurance Company (TIG) appeals from the judgment of the Third Circuit Court, the Honorable Riki May Amano presiding, in favor of plaintiff-appellee Marivic Ferreira on all claims. Specifically, TIG appeals from (1) the September 7, 2001 judgment in favor of Ferreira, and (2) the August 27, 2001 order granting Ferreira's counter motion for summary judgment and denying TIG's motion for summary judgment.

The sole issue on appeal is whether the "covered loss deductible" (CLD) provision of Hawai'i Revised Statutes (HRS) § 431:10C-301.5 (Supp. 1999) applies to the recovery of damages for bodily injury under the Uninsured Motorist (UM) coverage provision of Ferreira's motor vehicle insurance policy contract with TIG. In State Farm Mut. Auto. Ins. Co. v. Gepaya, 103

Hawai'i ____, 80 P.3d 321 (2003), we held that the CLD does so apply. Therefore,

IT IS HEREBY ORDERED that: (1) the circuit court's September 7, 2001 judgment in favor of Ferreira and August 27, 2001 order granting Ferreira's counter motion for summary judgment and denying TIG's motion for summary judgment are vacated; and (2) the case is remanded to the circuit court for entry of judgment in favor of TIG.

DATED: Honolulu, Hawai'i, January 26, 2004.

On the briefs:

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