

NO. 27489

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EXOTICS HAWAII-KONA, INC., et al.,
Plaintiffs-Appellants/Cross-Appellees

vs.

E.I. DU PONT De NEMOURS & COMPANY, et al.,
Defendants-Appellees/Cross-Appellants

K. HANAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 97-103K)

ORDER DENYING MOTION TO DISMISS CROSS-APPEAL
(By: Duffy, J. for the court¹)

Upon consideration of the motion to dismiss cross-appeal, the papers in support and in opposition and the record, it appears that the February 25, 2004 order granting in part and denying in part DuPont's motion for summary judgment on the plaintiffs' claims is reviewable on appeal from the August 10, 2005 certified final judgment on the plaintiffs' claims. See Ueoka v. Szymanski, 107 Hawai'i 386, 396, 114 P.3d 892, 902 (2005) ("An appeal from a final judgment brings up for review all interlocutory orders not appealable directly as of right which deal with issues in the case."). Therefore,

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

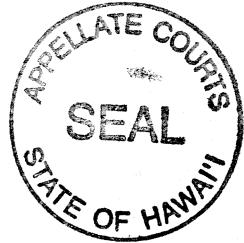
IT IS HEREBY ORDERED that the motion to dismiss cross-
appeal is denied.

DATED: Honolulu, Hawai'i, January 11, 2006.

FOR THE COURT:

James E. Duffy, Jr.

Associate Justice



Melvin Y. Agena,
Mark B. Hutton and
Chan P. Townsley
for cross-appellees
on the motion

Warren Price III,
Kenneth T. Okamoto,
Robert A. Marks and
Susan C. Wilson
for cross-appellants
in opposition