

NOS. 25344 & 26820

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

No. 25344

HAWAII VENTURES, LLC, Plaintiff-Appellant/
Cross-Appellee,

vs.

OTAKA, INC.; TAKAO BUILDING CO., LTD., formerly
known as Takao Building Development Co., Ltd.
K.K. KAINI SEVEN, YUKIO TAKAHASHI; HAWAIIAN WAIKIKI
BEACH, INC.; ALAKA'I MECHANICAL CORPORATION; HEWLETT-
PACKARD COMPANY; HAWAII ENERGY MANAGEMENT CO., LLC.,
Defendants-Appellees/Cross-Appellants,

and

BUSINESS MANAGEMENT GROUP, INC.; BEACH SNACK
EXPRESS, INC.; JOHN DOES 1-50; JANE DOES 1-50;
DOE PARTNERSHIPS 1-50; DOE CORPORATIONS 2-50;
DOE ENTITIES 1-50; and DOE GOVERNMENTAL
UNITS 1-50, Defendants,

and

ILWU LOCAL 142 AFL-CIO, and THEODORE H. SMYTH,
Trustee, SMYTH FAMILY TRUSTS, Intervenor
Defendants-Appellees/Cross-Appellants,

and

ARGONAUT INSURANCE COMPANY, Intervenor
Defendant-Appellee/Cross-Appellee,

and

OTAKA, INC. and HAWAIIAN WAIKIKI BEACH, INC.,
Counterclaimants-Appellees/Cross-Appellants,

vs.

LEUCADIA NATIONAL CORPORATION,
Additional Counterclaim Defendant.

KHANAKA DO
CLERK APPELLATE
COURT
STATE OF HAWAII

2007 MAY -9 PM 3:07

FILED

PATRICIA KIM PARK, Receiver-Appellee/Cross-Appellee.

No. 26820

HAWAII VENTURES, LLC, Plaintiff-Appellant/
Cross-Appellee,

vs.

OTAKA, INC.; TAKAO BUILDING CO., LTD., formerly
known as Takao Building Development Co., Ltd.;
K.K. KAINI SEVEN, YUKIO TAKAHASHI; HAWAIIAN WAIKIKI
BEACH, INC., Defendants-Appellees/Cross-Appellees/
Cross-Appellants,

and

ALAKA'I MECHANICAL CORPORATION; HEWLETT-PACKARD
COMPANY; BUSINESS MANAGEMENT GROUP, INC.; BEACH SNACK
EXPRESS, INC.; and HAWAII ENERGY MANAGEMENT CO., LLC.,
Defendants-Appellees/Cross-Appellees,

and

JOHN DOES 1-50; JANE DOES 1-50; DOE PARTNERSHIPS 1-50;
DOE CORPORATIONS 2-50; DOE ENTITIES 1-50; and
DOE GOVERNMENTAL UNITS 1-50, Defendants,

and

THEODORE H. SMYTH, Trustee, SMYTH FAMILY TRUSTS,
Intervenor Defendants-Appellees/Cross-Appellants/
Cross-Appellees,

and

ILWU LOCAL 142 AFL-CIO and ARGONAUT INSURANCE
COMPANY, Intervenor Defendants-Appellees/
Cross-Appellees/Cross-Appellant,

and

OTAKA, INC. and HAWAIIAN WAIKIKI BEACH, INC.,
Counterclaimants-Appellees/Cross-Appellees,

vs.

LEUCADIA NATIONAL CORPORATION, Additional Counterclaim
Defendant-Appellee/Cross-Appellee.

PATRICIA KIM PARK, Receiver-Appellee/Cross-Appellee.

FORMER EMPLOYEES OF HAWAIIAN WAIKIKI BEACH HOTEL,
Party In Interest-Appellee/Cross-Appellee/Cross-Appellant.

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 00-1-2427)

ORDER AMENDING THE OPINION OF THE COURT,
FILED MAY 7, 2007

It appearing that the cross appeal of intervenor defendant-appellee/cross-appellant/cross-appellee Theodore H. Smyth of the Smyth Family Trusts having been dismissed on June 30, 2005, the opinion of the court, filed May 7, 2007, is amended as follows (additions are underscored; deletions are stricken):

1. **Page 5, last sentence:**

Further, appeal No. 26820 involves two additional sets of parties, who also cross appeal: (1) intervenor defendant-appellee/cross-appellant/cross-appellee Theodore H. Smyth of the Smyth Family Trusts, which own a substantial portion of land on which the Hotel sits and whose cross appeal was dismissed by this court on June 30, 2005 [hereinafter, Trustee Smyth]; and (2) party in interest-appellee/cross-appellee/cross-appellant Former Employees of the Hawaiian Waikiki Beach Hotel (the Former Employees).

2. Page 26, last sentence of first paragraph of "Discussion" section:

~~Finally, the Trustees' cross-appeal challenges the circuit court's orders relating to their counterclaim.~~

3. Page 32, last sentence above subsection B.:

Finally, we address: (1) Hawaii Ventures' remaining contentions; (2) ILWU's cross-appeal; and (3) the Former Employees' cross-appeal, ~~and (4) the Trustees' cross-appeal.~~

4. Pages 141 through top of 163: The entire subsection "G. The Trustees' Cross-Appeal" is stricken.

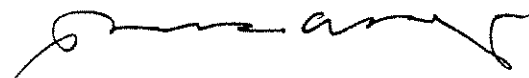
An amended opinion is being filed concurrently with this order, incorporating the foregoing amendments. The Clerk of the Court is directed to provide a copy of this order and a copy of the amended opinion to the parties and to notify the publishing agencies of these changes. The Clerk of the Court is further instructed to distribute copies of this order of amendment to those who received the previously filed opinion.

DATED: Honolulu, Hawai'i, May 9, 2007.



Steven Harrison

Puuhi L. Nureyana



Kamae E. Duggan, Jr.