

IN THE SUPREME COURT OF THE STATE OF HAWAII

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CLERK OF APPELLATE COURT  
STATE OF HAWAII

FILED

DEL MONTE FRESH PRODUCE (Hawaii), INC., Plaintiff-Appellee

vs.

FIREMAN'S FUND INSURANCE COMPANY; AMERICAN HOME ASSURANCE COMPANY; AMERICAN RE-INSURANCE COMPANY; COMMERCIAL UNION INSURANCE COMPANY; LEXINGTON INSURANCE COMPANY; NATIONAL CONTINENTAL INSURANCE COMPANY; MOTOR VEHICLE CASUALTY COMPANY, and LONDON MARKET INSURERS, Defendants-Appellants,

and

CONTINENTAL INSURANCE COMPANY, LUMBERMENS MUTUAL INSURANCE COMPANY, CIGNA PROPERTY & CASUALTY COMPANY; PROGRESSIVE CASUALTY COMPANY, ACCIDENT & CASUALTY COMPANY, ACCIDENT & CASUALTY COMPANY NO. 2 A/C, ACCIDENT & CASUALTY INSURANCE COMPANY NO. 3 A/C, ANDREW WEIR INSURANCE COMPANY, LTD., ARGONAUT NORTHWEST INSURANCE COMPANY, LTD., ASSICURAZIONI GENERALI DI TRIESTE DE VENEZIA, ASSICURAZIONIS GENERALI S.P.A., BELLAFONTE INSURANCE COMPANY, BERMUDA FIRE & MARINE INSURANCE COMPANY, BISHOPSGATE INSURANCE COMPANY, LTD., BRITISHGATE INSURANCE COMPANY, LTD., BRITISH NORTH-WESTERN INSURANCE COMPANY, LTD., DELTA-LLOYD NON LIFE INSURANCE COMPANY, LTD., EDINBURGH ASSURANCE COMPANY, LTD., EXCESS INSURANCE COMPANY, LTD., FIDELLIDADE INSURANCE COMPANY, LTD., HAWK INSURANCE COMPANY, LTD., HELVETIA INSURANCE COMPANY, LTD., HIGHLANDS INSURANCE COMPANY, LONDON & OVERSEAS INSURANCE COMPANY, LTD., MENTOR INSURANCE COMPANY, (UK), LTD., MINSTER INSURANCE CO., LTD., MUTUAL REINSURANCE COMPANY, LTD., NATIONAL CASUALTY COMPANY OF AMERICA, NEW LONDON REINSURANCE COMPANY, LTD., RIVER THAMES INSURANCE COMPANY, LTD, ST. HELEN'S INSURANCE COMPANY, LTD., ST. KATHERINE INSURANCE COMPANY, STRONGHOLD INSURANCE COMPANY, LTD., SWISS UNION GENERAL INSURANCE CO., LTD., TUREGUM INSURANCE COMPANY, LTD., WALBROOK INSURANCE COMPANY, LTD., WINTERTHUR SWISS INSURANCE COMPANY, WORLD AUXILIARY INSURANCE CORPORATION, LTD., YASUDA FIRE & MARINE INSURANCE COMPANY (UK), LTD., CERTAIN UNDERWRITERS AT LLOYD'S LONDON, CERTAIN UNDERWRITING SYNDICATES AT LLOYDS, LONDON, DEL MONTE CORPORATION, RJR NABISCO, INC., AND DOES 1 THROUGH 2000, INCLUSIVE, Defendants.

NO. 24647

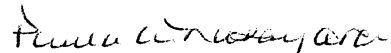
MOTION FOR RECONSIDERATION  
(CIV. NO. 97-3323)

FEBRUARY 20, 2008

MOON, C.J., LEVINSON, AND NAKAYAMA, JJ.,  
AND ACOBA, J., CONCURRING SEPARATELY, WITH WHOM DUFFY, J., JOINS

Plaintiff-Appellee's motion for reconsideration of the  
opinion filed on December 26, 2007, is hereby denied.

John R. Myrdal and  
Elise Owens Thorn of  
Clay Chapman Crumpton  
Iwamura & Pulice and  
Michael J. Lynch  
(*Pro Hac Vice*) of  
Kirkpatrick & Lockhart  
Preston Gates & Ellis LLP  
for Plaintiff-Appellee



CONCURRING OPINION BY ACOBA, J., WITH WHOM DUFFY, J., JOINS

Based on my concurrence, I concur in the denial of the  
motion for reconsideration.



James E. Duffy, Jr.