

FILED

2010 MAY -6 PM 2:44

EM RIMANDO
CLERK APPELLATE COURTS
STATE OF HAWAII

NO. 29359

IN THE SUPREME COURT OF THE STATE OF HAWAII

MARION EVERSON, JAMES DANNENBERG, BILLY SOUTHWOOD,
VALERIE YAMADA SOUTHWOOD, DUANE PREBLE, and SARAH PREBLE,
Petitioners/Appellants-Appellees,

vs.

BOARD OF TRUSTEES OF THE HAWAI'I EMPLOYER-UNION HEALTH BENEFITS
TRUST FUND, STATE OF HAWAI'I, and The Administrator of the Hawai'i
Employer-Union Health Benefits Trust Fund,
Respondents/Appellees-Appellants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIV. NO. 07-1-1872)

ORDER DENYING MOTION TO CLARIFY

(By: Moon, C.J., Nakayama, and Duffy JJ.,
Circuit Judge Kim, in place of Recktenwald, J., recused,
and Acoba, J., concurring separately)

Upon consideration of Petitioners/Appellants-Appellees'
motion to clarify footnotes 13, 14 and 16 of the court's opinion
filed on March 25, 2010, the papers in support and opposition and
the record herein,

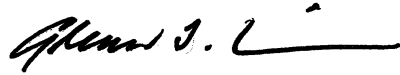
IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, May 6, 2010.



Anna A. Nakayama

James E. Duffy Jr.

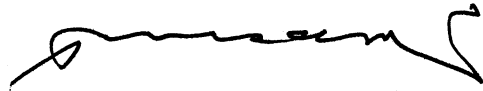


CONCURRENCE BY ACOBA, J.

I concur with the majority's denial of the motion to clarify inasmuch as the motion concerns only the majority's opinion.

Paul Alston, Eric G. Ferrer,
Maren L. Calvert, and Jason H.
Kim of Alston Hunt Floyd & Ing
and Charles K.Y. Khim for
petitioners/appellants-appellees

Mark J. Bennett, Attorney General,
Dorothy Sellers, Solicitor General,
and Rebecca A. Copeland, Deputy
Solicitor General, for respondents/
appellees-appellants

A handwritten signature in black ink, appearing to be 'ACoba', written in a cursive style.