

FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

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HENRY HAALILIO PETERS, Plaintiff-Appellee, v.  
NATHAN T.K. AIPA, Defendant-Appellant and  
JOHN DOES 1-10; DOE PARTNERSHIPS 1-5; DOE  
CORPORATIONS 1-5; and DOE GOVERNMENTAL OR  
PROFESSIONAL ASSOCIATIONS 1-5, Defendants

NO. 27700

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 03-1-1523)

ORDER OF AMENDMENT

(RECKTENWALD, C.J., WATANABE, and LEONARD, JJ.)

IT IS HEREBY ORDERED that the Opinion of the court,  
filed on July 14, 2008, is hereby amended at page 13, in the  
first full paragraph, to change the words "HRCP Rule 54(b)  
certification of" to "order allowing an appeal from" and adding  
See HRS § 641-1(b) (1993) after said sentence so that the  
paragraph reads:

There was no order allowing an appeal from the denial  
of summary judgment in this case. See HRS § 641-1(b)  
(1993). There does not appear to be any other basis for  
appellate jurisdiction over the denial of summary judgment.  
Thus, we hold that the Circuit Court's order was appealable  
in part but nonappealable as to the ruling on summary  
judgment.

K. HANAKADO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2008 JUL 25 PM 3:36

FILED

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The clerk of the court is directed to incorporate the foregoing change in the original opinion and take all necessary steps to notify the publishing agencies of this change.

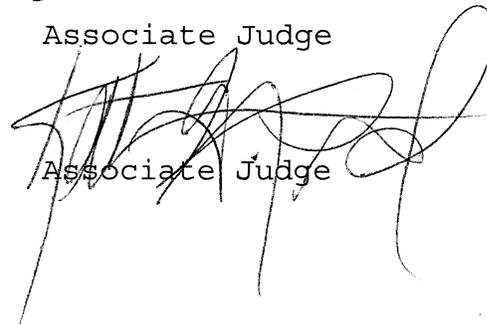
DATED: Honolulu, Hawai'i, July 25, 2008.



Chief Judge



Associate Judge



Associate Judge