

NOS. 27491 AND 27539

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

No. 27491

(Civil No. 05-1-0375)

EMERSON M.F. JOU, M.D., Provider-Appellant,  
vs.

GARY S. HAMADA, Administrator, Disability Compensation Division,  
and DARWIN CHING,<sup>1/</sup> Director, Department of Labor and Industrial  
Relations, State of Hawai'i, Appellees-Appellees  
and  
ARGONAUT INSURANCE COMPANY, Respondent-Appellee

AND

No. 27539

(Civil No. 05-1-1079)

EMERSON M.F. JOU, M.D., Provider-Appellant,  
vs.

GARY S. HAMADA, Administrator, Disability Compensation Division,  
and DARWIN CHING, Director, Department of Labor and Industrial  
Relations, State of Hawai'i, Appellees-Appellees  
and  
MARRIOTT CLAIM SERVICES CORPORATION, Respondent-Appellee

APPEALS FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT

ORDER OF CORRECTION

(By: Nakamura, J., for the court<sup>2/</sup>)

The Opinion of the court, filed on January 26, 2009, is hereby corrected as follows:

1. On page 10, in the eighth line of the first paragraph under the "DISCUSSION" section, the words "to be" should be deleted so that as corrected, the text reads: ". . . decisions in medical fee disputes "final and not appealable.""

---

<sup>1/</sup> Darwin Ching (Ching) succeeded Nelson Befitel (Befitel) as the Director of the Department of Labor and Industrial Relations. Pursuant to Hawai'i Rules of Appellate Procedure Rule 43(c), Ching has been substituted for Befitel as a party in these consolidated appeals.

<sup>2/</sup> Foley, Presiding Judge, Nakamura, and Fujise, JJ.

NORMA T. YARA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2009 MAR -5 AM 11:16

FILED

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

2. On page 15, in line 13, the right parenthesis after the words "[the term]" should be deleted so that as corrected, the text reads: ". . . ordinary meaning of [the term]" (internal quotation marks omitted))."

3. On page 16, in line 17, the word "that" between the words "and" and "it" should be deleted so that as corrected, the text reads: ". . . and it only refers to . . . ."

4. On page 16, footnote number 16 is misnumbered and should be changed and renumbered to read footnote number 18 in both the text (line 23) and the footnote.

5. On page 21, footnote number 17 is misnumbered and should be changed and renumbered to read footnote number 19 in both the text (line 2) and the footnote.

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

DATED: Honolulu, Hawai'i, March 5, 2009.

FOR THE COURT:

*Craig W. Nakamura*

Associate Judge

