

Electronically Filed
Intermediate Court of Appeals
CAAP-13-0001803
30-JAN-2018
08:23 AM

NO. CAAP-13-0001803

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

BERNADINE KUAHIWINUI, Individually and as
Personal Representative of the Estate of
KRISTERPHER KAUPU-KUAHIWINUI, deceased; and
KENNETH KAUPU, Plaintiffs-Appellants,

v.

ZELO'S INC., dba SUSHI & BLUES;
TAHITI NUI ENTERPRISES, INC., dba TAHITI NUI;
and STATE OF HAWAI'I, Defendants-Appellees,

and

JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10;
DOE BUSINESS ENTITIES 1-10; DOE GOVERNMENTAL ENTITIES 1-10;
and DOE UNINCORPORATED ASSOCIATIONS 1-10, Defendants.

ZELO'S INC., dba SUSHI & BLUES,
Third-Party Plaintiff,

v.

SOLOMON MAKUA KUAHIWINUI,
Third-Party Defendant.

STATE OF HAWAI'I,
Third-Party Plaintiff,

v.

SOLOMON KUAHIWINUI and CHRISTOPHER FERGUSON,
Third-Party Defendants.

FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

SHERYL ANN ACKERMAN, Individually;
SHERYL ANN ACKERMAN, as mother of, natural guardian and
next friend for BRITNEY ANN HARDSKY, minor; and
SHERYL ANN ACKERMAN, as Personal Representative of the
Estate of CHRISTOPHER COLE FERGUSON, deceased,
Plaintiffs,

v.

SOLOMON MAKUA KUAHIWINUI; JAMES B. EDMONDS;
TAHITI NUI ENTERPRISES, INC., dba TAHITI NUI;
ZELO'S INC., dba SUSHI & BLUES; STATE OF HAWAII;
THE COUNTY OF KAUAI, Defendants,

and

JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10;
DOE PARTNERSHIPS 1-10, DOE NON-PROFIT ENTITIES 1-10;
and DOE GOVERNMENTAL ENTITIES 1-10, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NOS. 08-1-0067 and 08-1-0069)

ORDER OF CORRECTION

(By: Nakamura, Chief Judge, for the court^{1/})

The Opinion filed on December 13, 2017, is hereby
corrected as follows:

1. On page 3, in the third line, the word "applies"
should be replaced with "apply" so that as corrected, the text
reads: ". . . what criteria apply in"

2. On page 3, in the eleventh line, the word "an"
should be replaced with "a" so that as corrected, the text reads:
". . . down a steep"

3. On page 12, in the fifth and sixth lines from the
bottom of the page, the word "were" should be replaced with "was"
in each line so that as corrected, the text reads: ". . . which
was derivative of Keliikoa's claims, was also properly
dismissed."

4. On page 13, in the third line from the end of
footnote 7, the word "decision" should be inserted between
"Reyes" and "and" so that as corrected, the footnote reads:
". . . relevant to the Reyes decision and currently,"

^{1/} Nakamura, Chief Judge, and Leonard and Reifurth, JJ.

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5. On page 14, in the twenty-first line, the word "of" should be inserted between "favor" and "Kuboyama" so that as corrected, the text reads: ". . . in favor of Kuboyama,"

6. On page 18, in the ninth line, the word "a" should be inserted between "of" and "dram" so that as corrected, the text reads: ". . . context of a dram shop claim,"

7. On page 18, in the thirteenth line, the word "intoxicated" should be replaced with "intoxication" so that as corrected, the text reads: ". . . Kristerpher's intoxication when"

The clerk of the court is directed to take all necessary steps to notify the publishing agencies of these changes.

DATED: Honolulu, Hawai'i, January 30, 2018.

FOR THE COURT:

Craig H. Nakamura

Chief Judge