

**Electronically Filed
Intermediate Court of Appeals
CAAP-18-0000409
16-MAR-2023
08:18 AM
Dkt. 70 OCOR**

NO. CAAP-18-0000409

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

RICHARD K. ADKINS and BROWN EYED GIRL, LLC, an Illinois
Limited Liability Company, Plaintiffs-Appellants,
v.
GARY R. FISCHER; SAMANTHA K. FISCHER; ANINI ALOHA
PROPERTIES, INC., a Hawaii corporation, Defendants-Appellees,
and
JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;
DOE CORPORATIONS 1-10; AND DOE ENTITIES 1-10, Defendants,
and
GARY R. FISCHER; SAMANTHA K. FISCHER; ANINI ALOHA
PROPERTIES, INC., a Hawaii corporation, Third-Party
Plaintiffs-Appellees,
v.
STEVEN NICKENS, CBIP, INC., dba COLDWELL BANKER ISLAND
PROPERTIES, ANY J. MARVIN and HANAIEI NORTH SHORE
PROPERTIES, LTD., Third-Party Defendants-Appellees,
and
JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10;
AND DOE ENTITIES 1-10, Third-Party Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 13-1-0032)

ORDER OF CORRECTION

(By: Wadsworth, J., for the court^{1/})

IT IS HEREBY ORDERED that the Opinion of the Court
filed on October 20, 2022, is corrected as follows:

^{1/} Ginoza, C.J., and Leonard and Wadsworth, JJ.

On page 6, in the list of claims, claim numbered "(9)," please delete the word "Beach" and replace it with the word "Breach," so that the line reads:

(9) Breach of Contract, alleged against the Fischers;

On page 8, footnote 3, line 9, delete "4th ed." and replace with "3d ed. 2004" so that the line reads:

and Procedure: Civil § 1294 (3d ed. 2004) (construing analogous Federal Rules of

On page 15, line 8 of the first full paragraph, delete the single closing quotation mark after the word "another" so that the line reads:

doubtful in another." (quoting State v. Kamana'o, 118 Hawai'i

On page 15, line 9 of the first full paragraph, insert a third closing parenthesis before the period so that the line reads:

210, 218, 188 P.3d 724, 732 (2008))). HRS § 414-432 states, in

On page 17, line 10 from the top of the page, replace the uppercase "V" between the words "Inc." and "Kelley" with a lower case "v" so that the line reads:

City Energy Group, Inc. v. Kelley Drye & Warrent LLP, No. 2:11-cv-

On page 22, line 4 of the first full paragraph, delete the period after "760" so that the line reads:

279, 151 P.3d at 760; see also 6A Wright, et al., supra, § 1542

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

DATED: Honolulu, Hawai'i, March 16, 2023.

/s/ Clyde J. Wadsworth
Associate Judge