

NO. CAAP-18-0000613

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

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STEPHEN KEAWE ROY and REBECCA ROY,
Plaintiffs-Appellees,
v.
GOVERNMENT EMPLOYEES INSURANCE CO.,
GEICO INSURANCE AGENCY, INC., Defendants-Appellants
and
TIMOTHY DAYTON, RICHARD DWYER, and JOHN DORNAN,
Defendants-Appellees,
and
DOE ENTITIES 1-10, Defendants
APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 13-1-2053-07 (KKH))

ORDER OF CORRECTION

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

IT IS HEREBY ORDERED that the Opinion of the Court
filed on January 23, 2023, is corrected as follows:

On page 4, in the paragraph numbered "13" of the block
quotation, line 2, insert "[Hawaii Revised Statutes (**HRS**)]" after
the word "violated" so that the line reads:

among other things, that GEICO violated [Hawaii Revised
Statutes (**HRS**)] HRS § 378-62 (part

On page 10, line 3 of the first full paragraph, delete
the acronym "U.S." and insert the words "United States" so that
the line reads:

^{1/} Ginoza, Chief Judge, and Leonard, and Wadsworth, JJ.

the court ruled that the United States Constitution and article I, section

On page 10, line 6 of the first full paragraph, after the word "P.3d," delete "460" and insert the word "at" so that the line reads:

Hawai'i at 494, 496, 331 P.3d at 472, 474. In Grube, the court

On page 14, in line 3 of the block quotation at the bottom of the page, delete "[Hawai'i Rules of Evidence (**HRE**)]" and replace it with "HRE" so that the line reads:

HRE Rule 503, the document

On page 15, in the first full paragraph, lines 7 and 8, delete the text, beginning with the comma after "2014)" through the word "(Anastasi II)", and insert the same after the explanatory parenthetical, but before the "." at the end of line 11 so that lines 7 through 11 read:

2014) ("[T]he party claiming the privilege has the burden of establishing that the privilege exists and that it applies as asserted." (citing DiCenzo v. Izawa, 68 Haw. 528, 536, 723 P.2d 171, 176 (1986); Sapp, 62 Haw. at 38, 609 P.2d at 140)), aff'd in part, vacated in part, 137 Hawai'i 104, 366 P.3d 160 (2016) (Anastasi II).

On page 16, line 3 of the second paragraph, insert a comma after the word "insured" so that the line reads:

between insurer, insured, and insurance defense counsel.
See

On page 18, line 7 from the bottom of the page, insert a period after the closing parenthesis and before the word "In" so that the line reads:

provided it to the legislature."). In particular, given Roy's

On page 19, line 3 of the paragraph under the heading "2. Work-Product Doctrine," insert a "-" after the word "work" so that the line reads:

complaints were not protected from disclosure under the work-

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On page 25, line 2 of the last paragraph, insert a "-" between the words "in" and "camera" so that the line reads:

Circuit Court's in-camera review, but did not otherwise submit

On page 28, line 12 of the first full paragraph, replace the parenthetical "(App. 2017)" with "(Haw. App. Aug. 2, 2017)" so that the line reads:

*19 (Haw. App. Aug. 2, 2017) (mem.) ("The Mountain Thunder Defendants did not

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 31, 2023.

FOR THE COURT:

/s/ Clyde J. Wadsworth
Associate Judge