

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

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DAVID GARNER; PATRICIA SMITH; ANDREA CHRISTIE;  
ALLAN KLITERNICK; KAREN SOUZA; JO JENNIFER GOLDSMITH;  
and DAVID HUDSON, on behalf of themselves and all others  
similarly situated, Plaintiffs-Appellants/Cross-Appellees, v.  
STATE OF HAWAI'I, DEPARTMENT OF EDUCATION,  
Defendants-Appellees/Cross-Appellants, and  
JOHN DOES 1-5, JOHN DOE CORPORATIONS 1-5, JOHN DOE  
PARTNERSHIPS 1-5, ROE NON-PROFIT CORPORATIONS 1-5, and  
ROE GOVERNMENTAL AGENCIES 1-5, Defendants,  
(CIVIL NO. 03-1-0305)

and

ALLAN KLITERNICK; DAVID GARNER; JO JENNIFER GOLDSMITH;  
and DAVID HUDSON, individually and on behalf of all others  
similarly situated, Plaintiffs-Appellants/Cross-Appellees, v.  
PATRICIA HAMAMOTO, in her official capacity as Superintendent  
of Schools; SHANNON AJIFU, MARY COCHRAN, MAGGIE COX, BREENE  
HARIMOTO, CEC HEFTEL, LEI AHU ISA, KAREN KNUDSEN, DENISE  
MATSUMOTO, SHIRLEY A. ROBINSON, LAURA THIELEN, GARRETT TOGUCHI,  
HERBERT WATANABE, AND RANDALL YEE, in their official  
capacities as members of the STATE OF HAWAI'I BOARD OF  
EDUCATION; DEPARTMENT OF EDUCATION, STATE OF HAWAI'I,  
Defendants-Appellees/Cross-Appellants  
(CIVIL NO. 05-1-0031)

NO. 27912

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT

DECEMBER 16, 2009

WATANABE, PRESIDING JUDGE, FOLEY and LEONARD, JJ.

ORDER OF CORRECTION

(By: Leonard, J., for the court<sup>1</sup>)

IT IS HEREBY ORDERED that the Opinion of the court, filed on October 30, 2009, is hereby corrected at page 39, in the attorney-credit section and shall read as follows:

Paul Alston  
for Plaintiffs-Appellants/  
Cross-Appellees (Bruce H.  
Wakuzawa, Peter S. Knapman,  
and Mei-Fei Kuo of Alston  
Hunt Floyd & Ing; and Eric  
G. Ferrer; and Murray T.S.  
Lewis of Lewis Law Firm,  
with him on the briefs).

William J. Wynhoff  
Deputy Attorney General  
for Defendants-Appellees/  
Cross-Appellants (Dorothy  
Sellers, Solicitor General,  
on the briefs).

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, December 16, 2009.

FOR THE COURT:

Associate Judge

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<sup>1</sup>

Watanabe, Presiding Judge, Foley and Leonard, JJ.