

NO. 30378

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LESLIE D. JOHNSON, Petitioner,

vs.

THE HONORABLE PAUL T. MURAKAMI, JUDGE OF THE FAMILY
COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I; and
P. SPENCER JOHNSON, Respondents.

ORIGINAL PROCEEDING
(FC-D No. 10-1-0437)

ORDER

(By: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.)

Upon consideration of the petition for a writ of mandamus filed by petitioner Lesley D. Johnson and the papers in support, it appears that petitioner's request for entry of a bifurcated divorce decree is to be decided by the respondent judge on March 22, 2010, the respondent judge has not indicated that bifurcation will not be granted, and there is no clear and indisputable proof that petitioner's passing is imminent. Therefore, petitioner is not entitled to mandamus relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of mandamus is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action.). Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, March 19, 2010.