

**Electronically Filed
Supreme Court
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NO. SCPW-12-0000856

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

ELIZABETH FISHER,
Petitioner/Defendant,

vs.

THE HONORABLE HILARY B. GANGNES, JUDGE OF THE DISTRICT COURT
OF THE FIRST CIRCUIT, HONOLULU DIVISION, STATE OF HAWAI‘I,
Respondent,

and

LORNA SOUZA,
Respondent/Plaintiff.

ORIGINAL PROCEEDING
(CIV. NO. 1RC12-1-00925)

ORDER

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of petitioner Elizabeth Fisher's October 16, 2012 petition for a writ of mandamus/prohibition and request for an immediate temporary stay, the documents attached thereto and submitted in support thereof, and the record, it appears that: (1) as to petitioner's request for an order directing the respondent judge to recuse herself from all further matters in Civil No. 1RC12-1-00925, petitioner can seek

appropriate relief in the district court and obtain appellate review; (2) as to petitioner's request for an order directing the respondent judge to vacate the dismissal order and the sanction award, petitioner can obtain appellate review; and (3) as to petitioner's request for an order directing the district court to vacate "re-setting" the trial date on Ho'ohiki to October 18, 2012, petitioner can obtain appellate review. Petitioner, therefore, is not entitled to mandamus relief. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (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. Such writs are not intended to supersede the legal discretionary authority of the lower courts, nor are they intended to serve as legal remedies in lieu of normal appellate procedures.). Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of mandamus/prohibition and request for an immediate temporary stay is denied.

DATED: Honolulu, Hawai'i, October 17, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

