NO. SCPW-12-0000754

IN THE SUPREME COURT OF THE STATE OF HAWAIʻI

LAUREN N. WONG, Petitioner,

vs.

THE HONORABLE KAREN T. NAKASONE, In her capacity as Judge of the First Circuit of the State of Hawaiʻi; and CHAD CHING, Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 1CC09-1-0500)

ORDER
(By: Recktenwald, C.J., Nakayama, Acoba, and Pollack, JJ. and Circuit Judge Trader, in place of McKenna, J., recused)

Upon consideration of petitioner Lauren N. Wong's August 30, 2012 petition for a writ of prohibition and/or a writ of mandamus, the documents attached thereto and submitted in support thereof, and the record, it appears that, at this time, petitioner fails to demonstrate a clear and indisputable right to relief and a lack of alternative means to obtain the requested relief inasmuch as petitioner can seek approval to appear at the September 21, 2012 settlement conference by telephone but, to date, has never formally requested to appear by telephone at the

September 21, 2012 settlement conference. Petitioner is therefore 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. Moreover, where a court has discretion to act, mandamus will not lie to interfere with or control the exercise of that discretion, even when the judge has acted erroneously, unless the judge has exceeded his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances in which he or she has a legal duty to act). Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of prohibition and/or a writ of mandamus is denied.

DATED: Honolulu, Hawai‘i, September 6, 2012

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Richard W. Pollack

/s/ Rom A. Trader