

**Electronically Filed
Supreme Court
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SCPW-13-0000288

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

LINDA N. GUERRA, CARRIE Y. KAWAMOTO, and VIOLET M.
ANDERSON, Personal Representatives of the Estate of Peggy Yen,
Petitioners,

vs.

EDWIN C. NACINO, JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT,
Respondent-Judge,

and

GLENN ROBERT OAKES; CYNTHIA RUTH OAKES; ASSOCIATION
OF APARTMENT OWNERS OF WAIKIKI SHORE, INC.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a foreign corporation,
Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 11-1-0520-03)

ORDER DENYING WITHOUT PREJUDICE PETITION FOR WRIT OF MANDAMUS
(By: Nakayama, Acting C.J., Acoba, McKenna, and Pollack, JJ., and
Circuit Judge Kubo, in place of Recktenwald, C.J., recused)

Upon consideration of the March 27, 2013 petition for a writ of mandamus filed by petitioners Linda N. Guerra, Carrie Y. Kawamoto, and Violet M. Anderson, as the Personal Representatives of the Estate of Peggy Fujiko Yen, the May 2, 2013 oral representation from petitioners' counsel that the foreclosure action settled but the settlement needs to be approved by the

probate court, the May 2, 2013 oral request from petitioners' counsel that the court refrain from acting on the mandamus petition pending the probate court's approval of the settlement, the July 19, 2013 order to show cause why the petition should not be dismissed, and the August 2, 2013 response to the order to show cause filed by petitioners, it appears that the mandamus petition has been pending for more than four months and although petitioners have recently submitted a petition for approval to the probate court, the parties are still negotiating the terms of the form of the written settlement agreement and a specific time period for the underlying matter to be completely resolved is uncertain. Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is dismissed without prejudice.

DATED: Honolulu, Hawai'i, August 22, 2013.

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Edward H. Kubo

