

SCPW-14-0000523

IN THE SUPREME COURT OF THE STATE OF HAWAII

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Supreme Court
~~SCPW-14-0000523~~
04-APR-2014
12:29 PM

ALLENE KAPLAN, Petitioner,

vs.

THE HONORABLE GREG K. NAKAMURA,
Judge of the Circuit Court of the Third Circuit,
Respondent Judge,

and

STANLEY MARTIN LEHMAN, Respondent.

ORIGINAL PROCEEDING
(CIV. NO. 11-1-000146)

ORDER DENYING PETITION FOR WRIT OF
PROHIBITION AND WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, McKenna, and Pollack, JJ., and
Circuit Judge Kubo, assigned by reason of vacancy)

Upon consideration of petitioner Allene Kaplan's petition for a writ of prohibition and a writ of mandamus, filed on March 5, 2014, the documents submitted in support thereof, and the record, it appears that petitioner fails to demonstrate that she has a clear and indisputable right to the requested extraordinary relief, and petitioner has alternative means to seek relief. Petitioner, therefore, is not entitled to a writ of prohibition or a writ of mandamus. 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); Honolulu Advertiser, Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of mandamus and a writ of prohibition are extraordinary remedies meant to, among other things, restrain a judge of an inferior court from acting beyond or in excess of his or her jurisdiction; they are not intended to supersede the legal discretionary authority of the trial courts, cure a mere legal error, or serve as a legal remedy in lieu of normal appellate procedure). Accordingly,

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

DATED: Honolulu, Hawai'i, April 4, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Edward H. Kubo, Jr.

