SCPW-14-0000452

IN THE SUPREME COURT OF THE STATE OF HAWAIʻI

EILEEN SHAVELSON, Petitioner,

vs.

THE HONORABLE RANDAL G.B. VALENCIANO, JUDGE OF THE FIFTH
CIRCUIT COURT, THE HONORABLE CRAIG H. NAKAMURA, and
THE HONORABLE LAWRENCE M. REIFURTH, JUDGES OF THE
INTERMEDIATE COURT OF APPEALS, Respondents.

ORIGINAL PROCEEDING
(Civil No. 13-1-0137)

<u>ORDER DENYING PETITION FOR WRIT OF MANDAMUS</u>
(By: Recktenwald, C.J., Nakayama, McKenna, and Pollack, JJ., and
Circuit Judge Border, assigned by reason of vacancy.)

Upon consideration of petitioner Eileen Shavelson's

petition for a writ of mandamus, filed on February 21, 2014, and

the record, it appears that petitioner is not entitled to the

requested writ of mandamus. Petitioner fails to demonstrate that

she has a clear and indisputable right to have the judges removed

from her case and petitioner has alternative means of seeking

relief. See <u>Kema v. Gaddis</u>, 91 Hawaiʻi 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 is 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; rather, it is meant to restrain a judge of an inferior court from acting beyond or in excess of his or her jurisdiction). Accordingly,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for a writ of mandamus without payment of the filing fee.

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

DATED: Honolulu, Hawaiʻi, March 19, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Patrick W. Border