

Electronically Filed  
Supreme Court  
SCPW-15-0000341  
13-AUG-2015  
08:25 AM

SCPW-15-0000341

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

---

MICHAEL YELLEN, Petitioner,

vs.

THE HONORABLE GLENN HARA, JUDGE OF THE CIRCUIT COURT OF THE THIRD  
CIRCUIT, STATE OF HAWAI'I, Respondent Judge.

---

ORIGINAL PROCEEDING  
(CG NO. 14-1-0001)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of Petitioner Mike Yellen's petition for a writ of mandamus, the documents attached thereto and submitted in support thereof, and the record, it appears that Petitioner is not a party to the underlying guardianship/conservatorship proceeding and fails to demonstrate that he has a clear and indisputable right to relief, that he lacks alternative means to seek relief, or that the Respondent Judge's actions amount to a flagrant and manifest abuse of discretion. Petitioner, therefore, is not entitled to a writ of mandamus. 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); 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). Accordingly,

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

DATED: Honolulu, Hawai'i, August 13, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

