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Supreme Court
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26-OCT-2010
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NO. 30745

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

RONDA LEE RAMOS-ELSENBACH, Petitioner,

vs.

THE HONORABLE LLOYD VAN DE CAR, JUDGE OF
THE FAMILY COURT OF THE THIRD CIRCUIT, STATE OF HAWAI'I;
and THE HONORABLE GREG K. NAKAMURA, SENIOR JUDGE OF THE
FAMILY COURT OF THE THIRD CIRCUIT, STATE OF HAWAI'I,
Respondents.

ORIGINAL PROCEEDING
(FC-D No. 07-01-132K)

ORDER

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

Upon consideration of petitioner Ronda Lee Ramos-Elsenbach's petition for a writ of mandamus and the papers in support, it appears that: (1) petitioner fails to demonstrate a clear and indisputable right to the relief requested; (2) petitioner can seek review of the respondent judges' rulings by appealing from the divorce decree entered in FC-D 07-1-132K; and (3) the question of the disqualification of the presiding judge is not a question that cannot otherwise be reviewed on petitioner's appeal from the divorce decree. Therefore, petitioner is not entitled to extraordinary relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of

mandamus or prohibition 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. Such writs are not intended to supersede the legal discretionary authority of the lower courts, nor are they intended to serve as legal remedies in lieu of normal appellate procedures.); Peters v. Jamieson, 48 Haw. 247, 257, 397 P.2d 575, 582-83 (1964) (A writ of prohibition will lie to compel the disqualification of a trial judge where the question of disqualification cannot otherwise be reviewed.). Accordingly,

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

DATED: Honolulu, Hawaii, October 26, 2010.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

