

Electronically Filed
Supreme Court
SCPW-17-0000635
14-SEP-2017
01:42 PM

SCPW-17-0000635

IN THE SUPREME COURT OF THE STATE OF HAWAII

MICHAEL J. FUCHS and KE KAILANI DEVELOPMENT, LLC, a Hawaii
limited liability company, Petitioners,

vs.

THE INTERMEDIATE COURT OF APPEALS, STATE OF HAWAII, Respondent,

and

KE KAILANI PARTNERS LLC, a Hawaii limited liability company,
HAWAII RENAISSANCE BUILDERS LLC, a Delaware limited liability
company, ET. AL., Respondents.

ORIGINAL PROCEEDING

(SCWC-12-0000758; SCWC-13-0004290; CAAP-12-0000070; CAAP-12-0000758;
CAAP-13-0004290; CIV. NOS. 09-1-2523-10 and 11-1-1577-07)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Nakayama, Acting C.J., McKenna, Pollack, and Wilson, JJ.,
and Circuit Judge Nacino, in place of Recktenwald, C.J., recused)

Upon consideration of petitioners' petition for writ of mandamus and for a stay, filed on August 30, 2017, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioners fail to demonstrate that they have a clear and indisputable right to the requested relief or that they lack alternative means to seek relief. Petitioners, therefore, are not entitled to an extraordinary writ. 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). Accordingly,

IT IS HEREBY ORDERED that the petition for writ of mandamus, including the request for a stay, is denied.

DATED: Honolulu, Hawai'i, September 14, 2017.

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

/s/ Edwin C. Nacino

