

**Electronically Filed
Supreme Court
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NO. SCPW-12-0000596

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PENISIMANI TEISINA and LESIELI TEISINA, husband and wife,
Petitioners,

vs.

THE HONORABLE RHONDA A. NISHIMURA, JUDGE OF THE CIRCUIT COURT OF
THE FIRST CIRCUIT, STATE OF HAWAI'I; and HOVEY B. LAMBERT,
Trustee under the Hovey B. Lambert Trust, an Unrecorded
Revocable Living Trust Agreement dated April 5, 2002,
Respondents.

ORIGINAL PROCEEDING
(CIVIL NO. 09-1-2529-10)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Nakayama, Acting C.J., Acoba and McKenna, JJ.,
Circuit Judge Ahn, in place of Recktenwald, C.J., recused, and
Circuit Judge Trader, assigned by reason of vacancy)

Upon consideration of Petitioners Penisimani Teisina
and Lesieli Teisina's Petition for Writ of Mandamus to
Respondents Circuit Court Judge Rhonda A. Nishimura and Hovey B.
Lambert, Trustee Under the Hovey B. Lambert Trust, an Unrecorded
Revocable Living Trust Agreement dated April 5, 2002, the papers
in support and the records and files herein, it appears that:
(1) Petitioners are seeking a writ of mandamus directing the

Respondent Judge to vacate seven orders entered in Lambert v. Waha(k), Civil No. 09-1-2529, presently pending in the Circuit Court of the First Circuit and directing the Respondent Judge to stay a partition sale and order a jury trial; (2) a writ of mandamus is not intended to serve as a legal remedy in lieu of the normal appellate procedures, Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999); and (3) Petitioners have a remedy by way of appeal. Therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied without prejudice to any remedy Petitioners may have by way of appeal.

DATED: Honolulu, Hawai'i, July 12, 2012.

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Karen S.S. Ahn

/s/ Rom A. Trader

