

NO. 30625

IN THE SUPREME COURT OF THE STATE OF HAWAII

ANDREW D. WOERNER, Petitioner,

vs.

MARK J. BENNETT, Attorney General, State of Hawai'i;
 LINDA LINGLE, Governor, State of Hawai'i;
 COLLEEN HANABUSA, President of the Senate; CALVIN K. Y. SAY,
 Speaker of the House; BRIAN T. TANIGUCHI, Chair of the
 Senate Judiciary and Government Operations Committee;
 JON RIKI KARAMATSU, Chair of the House Judiciary Committee;
 JOSH GREEN, M.D., State Senator; and DENNY COFFMAN, State
 Representative, Respondents.

ORIGINAL PROCEEDING

ORDER

(By: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.)

Upon consideration of the petition for a writ of mandamus filed by petitioner Andrew D. Woerner, it appears that petitioner fails to demonstrate a clear and indisputable right to relief. Therefore, petitioner is not entitled to mandamus relief. See HRS § 602-5(3) (2009) ("The supreme court shall have jurisdiction and power . . . [t]o exercise original jurisdiction in all questions . . . arising under writs of mandamus directed to public officers to compel them to fulfill the duties of their offices[.]"); In re. Disciplinary Bd. Of the Hawaii Supreme Court, 91 Hawai'i 363, 368, 984 P.2d 688, 693 (1999) (Mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available.); Salling v. Moon, 76 Hawai'i 273, 274 n. 3, 874 P.2d 1098, 1099 n.3 (1994) ("A duty is ministerial where the law

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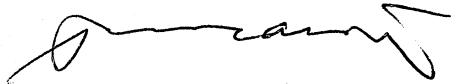
prescribes and defines the duty to be performed with such precision and certainty as to leave nothing to the exercise of discretion and judgment."). Accordingly,

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

DATED: Honolulu, Hawai'i, August 2, 2010.



Kuni C. Nakayama



Kama E. Duggan, Jr.

