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Supreme Court
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NO. SCPW-12-0000403

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ELIZABETH FISHER, Petitioner,

vs.

THE HONORABLE HILARY B. GANGNES, JUDGE OF THE DISTRICT
COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I; and
LORNA SOUZA, Respondents.

ORIGINAL PROCEEDING
(CIVIL NO. 1RC12-1-00925)

ORDER

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

Upon consideration of petitioner Elizabeth Fisher's petition for a writ of mandamus and the papers in support, it appears that the denials of petitioner's motions to quash service of the complaint and summons are reviewable on appeal from a judgment for possession that may be entered in Civil No. 1RC12-1-00925. See Ciesla v. Reddish, 78 Hawai'i 18, 889 P.2d 702 (1995). Petitioner can obtain appellate review of the matters raised in the motions to quash by appealing from a judgment for possession and seeking a stay of the judgment pending appeal pursuant to HRAP Rule 8. Therefore, petitioner is not entitled to mandamus relief. 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. 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). Accordingly,

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

DATED: Honolulu, Hawai'i, April 26, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

