

**Electronically Filed
Supreme Court
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NO. SCPW-12-0000122

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LANDISH K. ARMITAGE and ROBIN R. ARMITAGE,
Petitioners,

vs.

THE HONORABLE BARBARA T. TAKASE, JUDGE OF THE DISTRICT
COURT OF THE THIRD CIRCUIT, STATE OF HAWAI'I; and
WELLS FARGO BANK N.A., Respondents.

ORIGINAL PROCEEDING
(CIVIL NO. 3RC-11-1-1142)

ORDER

(By: Nakayama, Acting C.J., Acoba, Duffy, and McKenna, JJ. and
Circuit Judge Ayabe, in place of Recktenwald, C.J., recused)

Upon consideration of petitioners Landish K. Armitage and Robin R. Armitage's petition for a writ of mandamus and the papers in support, it appears that the February 9, 2012 judgment for possession is a final judgment of the district court appealable pursuant to HRS § 641-1(a). Petitioners can obtain appellate review of the denial of their motion to dismiss complaint by appealing from the February 9, 2012 judgment for possession and seeking a stay of the judgment pending appeal pursuant to HRAP Rule 8. Therefore, petitioners are 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); Ciesla v. Reddish, 78 Hawai'i 18, 889 P.2d 702 (1995) (A judgment for possession is immediately appealable under the *Forgay* doctrine.). Accordingly,

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

DATED: Honolulu, Hawai'i, March 7, 2012.

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

/s/ Bert I. Ayabe

