

**Electronically Filed
Supreme Court
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SCPW-14-0000884

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, BY ITS OFFICE OF CONSUMER PROTECTION,
Petitioner,

vs.

THE HONORABLE RHONDA A. NISHIMURA,
JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT,
Respondent Judge,

and

COURTESY VALET SERVICE, INC. dba HAWAII BOOT REMOVAL;
SEAN STARN; BOODA TOWING AND RECOVERY, LLC; ABRAHAM FU
aka EDGE; COMMERCIAL REAL ESTATE SERVICES, INC.,
Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 13-1-1575-05 RAN)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of Petitioner State of Hawai'i Office of Consumer Protection's petition for a writ of mandamus, filed on June 12, 2014, the documents attached thereto and submitted in support thereof, and the record, it appears that Petitioner fails to demonstrate that the Respondent Judge committed a flagrant and manifest abuse of discretion in denying

the motion for preliminary injunction. Petitioner, therefore, is not entitled to a writ of mandamus. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (1999) (a writ of mandamus is meant to restrain a judge of an inferior court who has exceeded his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances in which he or she has a legal duty to act). Accordingly,

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

DATED: Honolulu, Hawai'i, August 5, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

