

**Electronically Filed
Supreme Court
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SCPW-14-0000887

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

LIVIA SCOTTO, Petitioner,

vs.

HAWAI‘I PUBLIC HOUSING AUTHORITY, STATE OF HAWAI‘I, Respondent.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of the documents filed by Petitioner Livia Scotto, on June 13, 2014, which we review as a petition for a writ of mandamus, and the record, it appears that Petitioner fails to demonstrate that she has a clear and indisputable right to the requested relief, and she can raise her eviction-related concerns before the Hawai‘i Public Housing Authority’s eviction board and in any subsequent judicial review process. See Haw. Rev. Stat. §§ 356D-93, 356D-94, 356D-96, and 356D-97. Petitioner, therefore, is not entitled to a writ of mandamus. 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); Barnett v. Broderick, 84 Hawai'i 109, 111, 929 P.2d 1359, 1361 (1996) (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). Accordingly,

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

DATED: Honolulu, Hawai'i, June 18, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

