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Supreme Court
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SCPW-14-0001096

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

YOUNG HUI KIM and CK ENTERPRISES, LLC, Petitioners,

vs.

THE HONORABLE MICHAEL K. TANIGAWA, Judge of the District Court
of the First Circuit, State of Hawai'i, Respondent Judge,

and

ASSOCIATION OF APARTMENT OWNERS OF THE CENTURY CENTER, INC., by
and through its Board of Directors, THAI HAWAIIAN MASSAGE, INC.,
POJJANEE VARNEY, CHARLES VARNEY, and HENRY LEE JENSEN,
Respondents.

ORIGINAL PROCEEDING

(CAAP-14-0000436; CAAP-14-0001238; CIV. NO. 1RC-13-8808)

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

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

Upon consideration of Petitioners Young Hui Kim and CK Enterprises, LLC's petition for a writ of prohibition, filed on September 2, 2014, the documents attached thereto and submitted in support thereof, and the record, it appears that Petitioners fail to demonstrate that extraordinary relief is warranted under the facts and circumstances of this matter and Petitioners may seek relief, as appropriate, in their pending appeals (CAAP-14-0000436 and CAAP-14-0001238). Petitioners, therefore, are not

entitled to the requested writ of prohibition. See Honolulu Adv., Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of prohibition "is an extraordinary remedy . . . to restrain a judge of an inferior court from acting beyond or in excess of his jurisdiction"); Gannett Pac. Corp. v. Richardson, 59 Haw. 224, 226, 580 P.2d 49, 53 (1978) (a writ of prohibition is not meant to serve as a legal remedy in lieu of normal appellate procedures; rather, it is available in "rare and exigent circumstances" where "allow[ing] the matter to wend its way through the appellate process would not be in the public interest and would work upon the public irreparable harm"). Accordingly,

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

DATED: Honolulu, Hawai'i, November 25, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

