

**Electronically Filed
Supreme Court
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SCPW-14-0000480

IN THE SUPREME COURT OF THE STATE OF HAWAII

JOE CROFFORD, Petitioner,

vs.

THE HONORABLE SHERRI ANN L. IHA, District Family
Court Judge, Family Court of the First Circuit, Respondent Judge,

and

KRISTI ADACHI, Respondent.

ORIGINAL PROCEEDING
(FC-D NO. 13-1-7625)

ORDER GRANTING PETITION FOR WRIT OF PROHIBITION

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

We have considered Petitioner Joe Crofford's petition for a writ of prohibition, filed on February 25, 2014, the supplement to the petition, the response filed by Respondent Kristi Adachi, the respective supporting documents, and the record. Under the circumstances of this case, the family court's issuance of the February 12, 2014 "Order Directing Seizure of Any and All Computers and Data Storage Devices in Plaintiff's Possession or Control" ex parte and outside any formal discovery

request was a flagrant and manifest abuse of discretion, and, accordingly, a writ of prohibition is warranted. 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"). Therefore,

IT IS HEREBY ORDERED that the petition is granted. Respondent is directed to promptly deliver to Petitioner, through respective counsel, the computer and data storage devices removed from Petitioner's possession and specifically identified on pages 2-3 of Exhibit "3" attached to the petition. The family court may take appropriate steps to preserve and protect the property and information. This order shall not be construed as determining the rightful ownership of the property in question.

DATED: Honolulu, Hawai'i, October 13, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

