

**Electronically Filed
Supreme Court
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SCPW-15-0000716

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HELEN LANI GALMICHE, as Trustee of the Revocable
Trust of Helen Lani Galmiche, Petitioner,

vs.

THE HONORABLE GARY W.B. CHANG, Judge of the Circuit Court
of the First Circuit, State of Hawai'i, Respondent Judge,

and

MELVIN JAMES GALMICHE, SR., as Trustee of the Melvin James
Galmiche Trust, and WELLS FARGO BANK, N.A., Respondents.

ORIGINAL PROCEEDING
(CIVIL NO. 13-1-0842-03)

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

Upon consideration of petitioner's petition for a writ of mandamus, filed on October 2, 2015, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate that she has a clear and indisputable right to relief and a lack of alternative means to seek relief as petitioner may seek relief, as appropriate, once a final, appealable judgment is entered in the case.

Additionally, petitioner fails to demonstrate that the respondent

judge has exceeded his jurisdiction or committed a flagrant and manifest abuse of discretion in presiding over the partition action. See HRS § 668-1 (governing actions for partition). Petitioner, therefore, is not entitled to the relief requested. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (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 a writ 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, December 23, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

