

Electronically Filed
Supreme Court
SCWC-29454
09-DEC-2015
02:07 PM

SCWC-29454 & SCWC-29589

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

THOMAS FRANK SCHMIDT and LORINA JHINCIL SCHMIDT,
Petitioners and Respondents/Plaintiffs-Appellants and Cross-
Appellees,

vs.

HSC, INC., a Hawai'i corporation; RICHARD HENDERSON, SR., and
ELEANOR R.J. HENDERSON,
Respondents and Petitioners/Defendants-Appellees and Cross-
Appellants.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NOS. 29454 and 29589; CIV NO. 06-1-0228)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI
(By: Nakayama, Acting C.J., McKenna, Pollack, and Wilson, JJ., and
Circuit Judge Garibaldi, in place of Recktenwald, C.J., recused)

Respondents and Petitioners/Defendants-Appellees and
Cross-Appellants HSC, Inc., Richard Henderson, Sr., and Eleanor
R.J. Henderson's Application for Writ of Certiorari, filed on

October 26, 2015, is hereby rejected. It is further ordered that the Petition for Writ of Mandamus, filed on October 26, 2015, is hereby denied as Petitioners failed to demonstrate that they are entitled to such relief. 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).

DATED: Honolulu, Hawai'i, December 9, 2015.

Paul Alston and
Kee M. Campbell
for HSC, Inc. et al.

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

R. Steven Geshell and
Thomas P. Dunn
for Schmidt et al.

/s/ Richard W. Pollack

/s/ Michael D. Wilson

/s/ Colette Y. Garibaldi

