

**Electronically Filed
Supreme Court
SCPW-15-0000725
25-NOV-2015
02:25 PM**

SCPW-15-0000725

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EMERSON M.F. JOU, M.D., Petitioner,

vs.

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

and

HEMIC, aka Hawaii Employers Medical Insurance Company,
an Entity, Form Unknown, Respondent.

ORIGINAL PROCEEDING
(CIVIL NO. 09-1-1529-07)

ORDER DENYING PETITION FOR WRIT OF PROHIBITION
OR FOR SUPERVISORY WRIT

(By: Nakayama, Acting C.J., McKenna, Pollack, and Wilson, J.J.,
and Circuit Judge Alm, in place of Recktenwald, C.J., recused)

Upon consideration of petitioner Emerson M.F. Jou, M.D.'s petition for a writ of prohibition or for a supervisory writ, filed on October 7, 2015, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner's case is not one in which the question of disqualification cannot otherwise be reviewed and immediate review by way of a writ of prohibition is not warranted. Petitioner, therefore, is not entitled to the relief requested.

See Peters v. Jamieson, 48 Haw. 247, 257, 397 P.2d 575, 582 (1964) (“[A] writ of prohibition will lie to compel a trial judge to recuse him[] or [her]self because of bias or prejudice which appears from the record, where . . . the case is one in which the question of disqualification cannot otherwise be reviewed.”). Accordingly,

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

DATED: Honolulu, Hawai‘i, November 25, 2015.

/s/ Paula A. Nakayama
/s/ Sabrina S. McKenna
/s/ Richard W. Pollack
/s/ Michael D. Wilson
/s/ Steven S. Alm

