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Supreme Court
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SCPW-15-0000347

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

TRUSTEES OF THE ESTATE OF BERNICE PAUAHI BISHOP
dba KAMEHAMEHA SCHOOLS, Petitioners,

vs.

ROM A. TRADER, JUDGE OF THE CIRCUIT COURT
OF THE FIRST CIRCUIT, Respondent Judge,

and

STATE OF HAWAI'I and GABRIEL ALISNA, Respondents.

ORIGINAL PROCEEDING
(CR. NO. 13-1-1861)

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

Upon consideration of Petitioners' petition for a writ of mandamus, the documents attached thereto and submitted in support thereof, and the record, it appears that, under the specific facts and circumstances of this matter, the respondent Judge's application of the three-part test set forth in State v. Peseti, 101 Hawai'i 172, 182, 65 P.3d 119, 129 (2003) and decision set forth in the March 24, 2015 "Amended Decision and

Order Regarding In-Camera Inspection of Documents Produced by Third-Party Kamehameha Schools Relating to Hearing Held May 27, 2014" does not amount to a flagrant and manifest abuse of discretion. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (1999) ("Where a court has discretion to act, mandamus will not lie to interfere with or control the exercise of that discretion, even when the judge has acted erroneously, unless the judge 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 writ of mandamus is denied.

DATED: Honolulu, Hawai'i, January 21, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

