

Electronically Filed
Supreme Court
SCPW-16-0000440
14-JUN-2016
07:57 AM

SCPW-16-0000440

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS
SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP,
Respondent,

vs.

DIANNA NALANI KUPAHU, Petitioner,

and

HALE AUPUNI COMMUNITY ASSOCIATION, Respondent.

ORIGINAL PROCEEDING
(CIVIL NO. 12-1-2882-11)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Dianna Nalani Kupahu's petition for writ of mandamus, filed on May 31, 2016, 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 the requested relief and that she lacks alternative means to seek relief in the underlying case in the circuit court. Petitioner, therefore, is not entitled to the requested writ of mandamus. 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). Accordingly,

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

DATED: Honolulu, Hawai'i, June 14, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

