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Supreme Court
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SCPW-16-0000802

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ARNOLD HIRAHARA, Petitioner,

vs.

THE HONORABLE HILARY BENSON GANGNES, Judge of the District Court
of the First Circuit, State of Hawai'i, Respondent Judge,

and

KAYLA M. MALSOL BRITT, Respondent.

ORIGINAL PROCEEDING
(1SS16-1-001046)

ORDER DENYING WITHOUT PREJUDICE PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, J.J.)

Upon consideration of petitioner Arnold Hirahara's petition for writ of mandamus, filed on November 14, 2016, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner may submit his exhibits at the hearing on the petition to enjoin and may seek relief, as appropriate, in any subsequent appeal. Petitioner, therefore, is not entitled to the requested writ of mandamus. 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; 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 without prejudice.

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

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

