

Electronically Filed
Supreme Court
SCPW-16-0000687
29-DEC-2016
03:10 PM

SCPW-16-0000687

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STACY MONIZ, TRUSTEE OF THE UNRECORDED STACY MONIZ REVOCABLE TRUST DATED JANUARY 22, 2013; JO ANNE N. MONIZ, TRUSTEE OF THE UNRECORDED JO ANNE N. MONIZ TRUST DATED FEBRUARY 12, 1999; ANTONIA L. MONIZ; and JOHN MONIZ, Petitioners,

vs.

THE HONORABLE KATHLEEN N.A. WATANABE, JUDGE OF THE CIRCUIT COURT OF THE FIFTH CIRCUIT, STATE OF HAWAI'I, Respondent Judge,

and

COMMERCIAL PROPERTIES, LIMITED, a Hawai'i corporation; SANDY POEHNELT; PUA'A 'ILI 'OI 'OI OHANA LLC, a Hawai'i limited liability company; and THE RIGHT SLICE LLC, a Hawai'i limited liability company; MARY C. WALSH, AS TRUSTEE OF TRUST A, A SUB-TRUST OF THE BEATRICE DUARTE LIVING TRUST CREATED UNDER AN UNRECORDED TRUST AGREEMENT DATED SEPTEMBER 24, 1991, AS AMENDED AND RESTATED IN AN UNRECORDED DOCUMENT DATED JULY 14, 2008, AND AS TRUSTEE DATED JANUARY 16, 2002, AS AMENDED AND RESTATED THE 28TH DAY OF JULY, 2008, AS IT MAY BE FURTHER AMENDED, Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 15-1-0087)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioners' petition for writ of mandamus, filed on October 17, 2016, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioners are currently seeking relief in the Intermediate Court of Appeals in CAAP-16-0000820. Petitioners,

therefore, fail to demonstrate that they are 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). Accordingly,

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

DATED: Honolulu, Hawai'i, December 29, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

