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Supreme Court
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SCPW-17-0000455

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,
STATE OF HAWAI'I, 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 writ of mandamus, filed on June 2, 2017, the documents attached thereto and submitted in support thereof, and the record, it appears that, in light of the stated purpose of the "Motion to Suppress Evidence," no flagrant and manifest abuse of discretion has been demonstrated. However, if the attorney-client privilege is invoked during the hearing on the "Motion to Suppress Evidence," the court shall address the objection at sidebar. Accordingly,

IT IS HEREBY ORDERED that the petition for writ of mandamus is denied. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (1999) (where a court has discretion to act, a writ of mandamus will not issue, even if 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 where he or she has a legal duty to act).

DATED: Honolulu, Hawai'i, July 19, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

