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Supreme Court
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SCPW-17-0000891

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

K. L., Petitioner,

vs.

THE HONORABLE DARIEN W.L. NAGATA, Judge of the Family Court of
the Third Circuit, State of Hawai‘i, Respondent Judge,

and

A.L.B., Born _____, 2007, Respondent.

ORIGINAL PROCEEDING

(FC-S No. 15-0007; FC-A No. 17-0019; FC-A No. 17-0029)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner K. L.’s petition for writ of mandamus, filed on December 15, 2017, the documents attached thereto and submitted in support thereof, and the record, it appears that, the family court has taken steps to ensure that all interested persons have the opportunity to be heard and meaningfully participate in the proceedings. At this juncture, petitioner is not entitled to an extraordinary writ. 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.

DATED: Honolulu, Hawai'i, January 9, 2018.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

