

**Electronically Filed
Supreme Court
SCPW-19-0000056
14-FEB-2019
01:25 PM**

SCPW-19-0000056

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

DAVE MOSKOWITZ; KATHRYN HENSKI; DOUGLAS E. CRUM, Petitioners,

vs.

CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU (Ann Kobayashi, in her official capacity as Chair and Presiding Officer of the City Council of the City and County of Honolulu, Ron Menor, in his capacity as Vice-Chair of the City Council of the City and County of Honolulu, and Carol Fukunaga, Kymberly Pine, Heidi Tsuneyoshi, Ikaika Anderson, Joey Manahan, and Brandon Elefante, as members of the City Council of the City and County of Honolulu); GLEN I. TAKAHASHI, in his official capacity as City Clerk of the City and County of Honolulu; PAUL S. AOKI, in his capacity as Acting Corporation Counsel of the City and County of Honolulu, Respondents.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioners Dave Moskowitz, Kathryn Henski, and Douglas E. Crum's petition for writ of mandamus, filed on January 24, 2019, and the record, it appears that petitioners' request for an extraordinary writ is not warranted inasmuch as Section 3-105 of the Revised Charter of the City and County of Honolulu sets forth the process to fill a

vacancy in the office of any councilmember for the City and County of Honolulu. 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, February 14, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

