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SCPW-19-0000059

IN THE SUPREME COURT OF THE STATE OF HAWAII

DAVID ERIC AUSTIN and JENNIFER ANN LOH, Petitioners,

vs.

THE HONORABLE GARY W. B. CHANG, Judge of the Circuit Court of the
First Circuit, State of Hawai'i, Respondent Judge,

and

DAVID KNOX, Respondent.

ORIGINAL PROCEEDING
(CIV. NO. 18-1-0555-04)

ORDER DENYING APPLICATION FOR WRIT OF PROHIBITION

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

Upon consideration of petitioners David Eric Austin and Jennifer Ann Loh's application for writ of prohibition, filed on January 25, 2019, the documents attached thereto and submitted in support thereof, and the record, it appears that, at this juncture, the record presented to this court does not warrant the requested extraordinary writ. See Honolulu Advertiser, Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of prohibition "is an extraordinary remedy . . . to restrain a judge of an inferior court from acting beyond or in excess of his jurisdiction"); Gannett Pac. Corp. v. Richardson, 59 Haw. 224, 226, 580 P.2d 49, 53 (1978) (a writ of prohibition is not meant

to serve as a legal remedy in lieu of normal appellate procedures; rather, it is available in "rare and exigent circumstances" where "allow[ing] the matter to wend its way through the appellate process would not be in the public interest and would work upon the public irreparable harm"). Accordingly,

IT IS HEREBY ORDERED that the application for writ of prohibition is denied.

DATED: Honolulu, Hawai'i, March 6, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

