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Supreme Court
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SCWC-18-0000683

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

CORY TEREICK,
Respondent/Plaintiff-Appellee,

vs.

HAWAIIAN RIVERBEND, LLC, a Hawai‘i limited liability company,
Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-18-0000683; CIVIL NO. 14-1-429K)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI AND
DENYING PETITION FOR WRIT OF MANDAMUS AND OTHER APPROPRIATE RELIEF
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of the "Petition for a Writ of Certiorari and Writ of Mandamus and Any Other Appropriate Relief the Court Deems Appropriate," filed on April 1, 2019, which was submitted by Michael Miroyan, individually and as the sole owner of Hawaiian Riverbend, LLC, the documents attached thereto and submitted in support thereof, and the record,

IT IS HEREBY ORDERED that as to the request for certiorari review, the application for a writ of certiorari is rejected. See HRS § 602-59(b).

IT IS HEREBY FURTHER ORDERED that as to the request for mandamus or other appropriate relief, the request is denied. 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).

DATED: Honolulu, Hawai'i, April 26, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

