SCPW-20-0000051

IN THE SUPREME COURT OF THE STATE OF HAWAIʻI

MATTHEW MARTOWSKA, Petitioner,

vs.

ALVIN T. ONAKA, in his capacity as State Registrar
and Chief of the Office of Health Status Monitoring, Department
of Health, State of Hawaiʻi, Respondent.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of petitioner Matthew Martowska's petition for writ of mandamus, filed on January 31, 2020, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate a clear and indisputable right to the requested relief, fails to demonstrate that the respondent's duty is so plainly prescribed as to be free from doubt, and has alternative means to seek relief by filing an appropriate action in the circuit court. See Kema v. Gaddis, 91 Hawaiʻi 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); Barnett v. Broderick, 84 Hawaiʻi 109, 111, 929 P.2d 1359, 1361 (1996) (with respect to a public official, mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available). Accordingly,

IT IS HEREBY ORDERED that the petition for writ of mandamus is denied.

IT IS HEREBY FURTHER ORDERED that the clerk of the appellate court shall process the petition for writ of mandamus without payment of the filing fee.

DATED: Honolulu, Hawaiʻi, March 2, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson