

Electronically Filed
Supreme Court
SCPW-20-0000428
25-JUN-2020
01:10 PM

SCPW-20-0000428

IN THE SUPREME COURT OF THE STATE OF HAWAII

DWIGHT J. VICENTE, Petitioner,

vs.

HILO MEDICAL INVESTORS, LTD., AMERICAN HOME ASSURANCE COMPANY/AIG
CLAIMS SERVICES, Respondent/Insurance Carrier-Appellee, and
JOHN MULLEN & COMPANY, INC., Respondents.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Dwight J. Vicente's "Notice of a Writ of Mandamus to the Supreme Court," filed on June 24, 2020, and the record, it appears that petitioner is seeking relief from the ICA's June 3, 2020 order dismissing his appeal in CAAP-20-0000022 for lack of jurisdiction. Petitioner may seek appropriate relief by way of an application for writ of certiorari. See HRAP Rule 40.1. Petitioner, therefore, is not entitled to an extraordinary writ. 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.

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.

IT IS HEREBY ALSO ORDERED that the clerk of the appellate court shall file the "Notice of a Writ of Mandamus to the Supreme Court" (Dkt. 1) as an application for writ of certiorari for CAAP-20-0000022.

DATED: Honolulu, Hawai'i, June 25, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

