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Supreme Court
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IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KEVIN M. BERTELMANN, INDIVIDUALLY AND AS TRUSTEE OF THE HAROLD E.
BERTELMANN REVOCABLE LIVING TRUST, Petitioner,

vs.

THE HONORABLE HENRY T. NAKAMOTO, Judge of the Circuit Court of
the Third Circuit, State of Hawai'i, Respondent Judge,

and

BANK OF HAWAII and COUNTY OF HAWAI'I,
REAL PROPERTY DIVISION, Respondents.

ORIGINAL PROCEEDING
(CAAP-19-0000824; CIV. NO. 3CC1810000304)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
AND DISMISSING MOTION FOR SANCTIONS

(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ., and
Circuit Judge Nacino, assigned by reason of vacancy)

Upon consideration of petitioner's petition for writ of mandamus, filed on July 9, 2020, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner is not entitled to the requested extraordinary relief from this court. 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; a writ of mandamus is not intended to supersede the legal discretionary authority of the trial courts, cure a mere legal error, or serve as a legal remedy in lieu of normal appellate procedures). Accordingly,

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

IT IS HEREBY FURTHER ORDERED that the motion for sanctions, filed on July 21, 2020, is dismissed.

DATED: Honolulu, Hawai'i, July 28, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Edwin C. Nacino

