

**Electronically Filed
Supreme Court
SCPW-15-0000358
30-SEP-2020
02:13 PM**

SCPW-15-0000358
(Consolidated with SCPW-15-0000509)

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

AHOKOVI-LIZARES MOTORCARS, LLC and
HESELOMI V. AHOKOVI, Petitioners,

vs.

THE HONORABLE PRESIDING JUDGE, DISTRICT COURT OF THE THIRD
CIRCUIT, NORTH AND SOUTH KONA DIVISION, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(3DCW-13-0001805)

ORDER DENYING PETITIONS FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., McKenna, and Wilson, JJ.,
Circuit Judge Valenciano, in place of Circuit Judge Garibaldi,
retired, and Circuit Judge Bissen, assigned by reason of vacancy)

Upon consideration of Petitioners Ahokovi-Lizares
Motorcars, LLC and Heselomi V. Ahokovi's petitions for a writ of
mandamus, the respondent's answer, the respective supporting
documents, and the record, it appears that petitioners fail to
demonstrate that the respondent court flagrantly and manifestly
abused its discretion in deciding the restitution issue.
Petitioners, therefore, are not entitled to the requested

extraordinary relief. 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; where the lower court has discretion to act, mandamus will not lie to control the exercise of that discretion even when the court 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 matter that is properly before the court under circumstances in which he or she has a duty to act).

Accordingly,

IT IS HEREBY ORDERED that the petitions for writ of mandamus are denied.

DATED: Honolulu, Hawai'i, September 30, 2020.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Randal G.B. Valenciano

/s/ Richard T. Bissen

