

**Electronically Filed
Supreme Court
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SCPW-20-0000584

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DANE S. FIELD, Trustee for the Bankruptcy Estate
of Aloha Sports, Inc., Petitioner,

vs.

THE HONORABLE DEAN E. OCHIAI,
Judge of the Circuit Court of the First Circuit,
State of Hawai'i, Respondent Judge,

and

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION,
an unincorporated association, Respondent.

ORIGINAL PROCEEDING
(CIVIL NO. 06-1-1832-10)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ.,
and Circuit Judge Ashford, assigned by reason of vacancy)

Upon consideration of petitioner Dane S. Field, Trustee for the Bankruptcy Estate of Aloha Sports Inc.'s petition for writ of mandamus, filed on September 28, 2020, the documents attached thereto and submitted in support thereof, and the record, it appears that, under the specific facts and circumstances of this matter, this court's intervention in the

underlying dispute is not warranted or necessary. It cannot be said that the respondent judge exceeded his jurisdiction, committed a flagrant and manifest abuse of discretion, or refused to act on a matter in addressing the subject issue, and petitioner has alternative means to seek relief. Petitioner, therefore, is not entitled to the requested extraordinary writ. 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; such a writ is meant to restrain a judge of an inferior court who 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). Accordingly,

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

DATED: Honolulu, Hawai'i, October 23, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ James H. Ashford

