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SCPW-20-0000628

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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THOMAS FRANK SCHMIDT and LORINNA JHINCIL SCHMIDT,  
Petitioners,

vs.

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

and

HSC, INC., a Hawai'i Corporation; RICHARD HENDERSON, SR.;  
and ELEANOR R.J. HENDERSON, Respondents.

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ORIGINAL PROCEEDING  
(CIVIL NO. 3CC061000228)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Nakayama, Acting C.J., McKenna and Wilson, JJ.,  
Circuit Judge Cataldo, in place of Recktenwald, C.J., recused,  
and Circuit Judge Remigio, assigned by reason of vacancy)

Upon consideration of petitioner Thomas Frank Schmidt  
and Lorinna Jhincil Schmidt's petition for writ of mandamus,  
filed on October 20, 2020, the documents attached thereto and  
submitted in support thereof, and the record, it appears that  
petitioners fail to demonstrate a clear and indisputable right to  
the requested relief and have alternative means to seek relief.  
Petitioners, therefore, are not entitled to the requested  
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; 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.

DATED: Honolulu, Hawai'i, November 17, 2020.

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Catherine H. Remigio

/s/ Lisa W. Cataldo

