

**Electronically Filed
Supreme Court
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SCPW-21-0000510

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

MARCUS PONO LAKE, Petitioner,

vs.

THE HONORABLE GARY W.B. CHANG, Judge of the Circuit Court of the
First Circuit, State of Hawai‘i, Respondent Judge,

and

U.S. BANK NATIONAL ASSOCIATION, as Trustee for the registered
holder of Asset Backed Securities Corporation Home Equity Loan
Trust 2004-HE7 Asset Backed Pass-Through Certificates, Series
2004-HE7; VIOLA INNOCENCIA FAO; LANIKUHANA PATIO HOMES;
1326 KEEAUMOKU LLC; MILILANI TOWN ASSOCIATION; STEPHEN W. FISHER,
individually and as Trustee for the Stephen W. Fischer Revocable
Trust; REALTY PROFESSIONALS LLC, a Hawaii limited liability
company; and JRS HUI, LLC, a Hawaii limited liability company,
Respondents.

ORIGINAL PROCEEDING
(Civil No. 1CC151001975)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Marcus Lake’s petition
for writ of mandamus, and the record, on September 28, 2021, the
circuit court entered an “Order Denying ‘Defendant, Crossclaim
Plaintiff, and Third-Party Plaintiff Marcus Pono Lake’s Motion
for Summary Judgment’ Filed on March 14, 2019,” thereby ruling on

petitioner's motion for summary judgment, which is the subject of the petition. The relief that petitioner seeks in the petition has been addressed by the circuit court's order and, thus, the requested extraordinary writ is not necessary. 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). Accordingly,

It is ordered that the petition for writ of mandamus is denied.

DATED: Honolulu, Hawai'i, October 12, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

