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SCPW-21-0000647

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Petitioner,

vs.

THE HONORABLE RANDAL G.B. VALENCIANO, Judge of the Circuit Court
of the Fifth Circuit, State of Hawai'i, Respondent Judge,

and

DAVID JOHN MICHAELEDES, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 5CPC-21-0000174)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

Upon consideration of petitioner State of Hawai'i's petition for writ of mandamus, and the record, petitioner is currently seeking relief in the Intermediate Court of Appeals in CAAP-21-0000446. Based on the record, 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 presiding over the case to warrant the requested extraordinary relief by this court. 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). The State has alternative means to redress the alleged wrong by appealing the circuit court's order granting the motion to dismiss for lack of jurisdiction. And it has done that. See CAAP-21-0000569. Accordingly,

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

DATED: Honolulu, Hawai'i, February 7, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

