

**Electronically Filed
Supreme Court
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SCPW-22-0000094

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

MARY LEE COLTON, Petitioner

vs.

THE HONORABLE WENDY M. DEWEESE,
Judge of the Circuit Court of the Third Circuit,
State of Hawai‘i, Respondent Judge,

and

THE BANK OF NEW YORK MELLON, AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS INC., ASSET-BACKED CERTIFICATES,
SERIES 2007-11, Respondent.

ORIGINAL PROCEEDING
(Civil. No. 13-1-082K)

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

Upon consideration of petitioner Mary Lee Colton’s petition for writ of mandamus, filed on March 2, 2022, and the record, petitioner fails to demonstrate a clear and indisputable right to the requested relief and has alternative means to seek relief, including seeking relief on appeal from an appealable order or judgment entered in Civil No. 13-1-082K, as provided by law. Based on the record, it cannot be said that the respondent judge exceeded the judge’s jurisdiction, committed a flagrant and

manifest abuse of discretion, or refused to act on a matter in presiding over the case. An extraordinary writ is thus not warranted. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (explaining that 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 who has exceeded the judge's 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 the judge has a legal duty to act). Accordingly,

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

It is further ordered that the clerk of the appellate court shall process the petition for writ of mandamus without payment of the filing fee.

DATED: Honolulu, Hawai'i, March 11, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

