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SCPW-22-0000312

IN THE SUPREME COURT OF THE STATE OF HAWAII

SEAN PRESCOTT, Petitioner/Defendant-Appellant,

vs.

CAROL GINOZA, President of Zen Properties, Incorporated,
Appointed Property Manager of The Estate of Sheila Spencer
Provost, a.k.a. Sheila Spencer, a.k.a. Shayla Spencer Provost,
Deceased, Respondent/Plaintiff-Appellee.

ORIGINAL PROCEEDING

(CASE. NO. 1DRC-21-0006826; APPEAL NO. CAAP-22-0000169)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Sean Prescott's
petition for writ of mandamus, filed on May 1, 2022, the
documents attached and submitted in support, and the record,
petitioner has not demonstrated a clear and indisputable right to
relief because petitioner has failed to show a flagrant and
manifest abuse of discretion or a lack of alternative means to
seek relief. 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.

DATED: Honolulu, Hawai'i, May 19, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

