

**Electronically Filed
Supreme Court
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SCPW-22-0000327

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STEFANIE B. HILDRETH, Petitioner

vs.

THE HONORABLE FREDERICK MATSON KELLEY,
Judge of the Family Court of the Second Circuit,
State of Hawai'i, Respondent Judge.

ORIGINAL PROCEEDING
(FC-M NO. 22-1-0058)

ORDER DENYING AMENDED PETITION FOR
WRITS OF PROHIBITION AND MANDAMUS

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

Upon consideration of petitioner Stefanie B. Hildreth's amended petition for writs of prohibition and mandamus, filed on May 17, 2022, the documents attached and submitted in support, and the record, petitioner fails to demonstrate she has a clear and indisputable right to relief or that she lacks alternative means to seek relief. It also 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 properly before the court under circumstances in which the judge

has a legal duty to act. Petitioner is thus not entitled to the requested extraordinary writs. 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); Honolulu Advertiser, Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of prohibition “is an extraordinary remedy . . . to restrain a judge of an inferior court from acting beyond or in excess of his jurisdiction”). Accordingly,

It is ordered that the amended petition for writs of prohibition and mandamus is denied.

DATED: Honolulu, Hawai‘i, May 25, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

