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Supreme Court
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SCPW-22-0000385

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

MELITA M. MILLER-KALAMA and CY KALAMA, Petitioners,

vs.

THE HONORABLE JEFFREY HAWK,
Judge of the District Court of the Third Circuit,
State of Hawai‘i, Respondent Judge.

ORIGINAL PROCEEDING
(CASE NO. 3DRC-22-0000382)

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

Upon consideration of the petition for writ of mandamus, filed on June 13, 2022, the documents attached and submitted in support, and the record, the order granting the motion to dismiss may be appealed, see HRS § 641-1(a), and a notice of appeal from this order was filed in CAAP-22-0000391. The issuance of a writ of mandamus is not intended to supersede the legal discretionary authority of the lower court, nor is it meant to serve as a legal remedy in lieu of normal appellate procedure. Petitioners have also not shown that Judge Hawk

exceeded his jurisdiction, committed a flagrant and manifest abuse of discretion, or refused to act on a subject properly before the court under circumstances in which it has a legal duty to act. 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, July 12, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

