

**Electronically Filed
Supreme Court
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SCPW-22-0000521

IN THE SUPREME COURT OF THE STATE OF HAWAII

JANET ARNESON, Petitioner,

vs.

THE HONORABLE JAMES H. ASHFORD,
Judge of the Circuit Court of the First Circuit,
State of Hawai'i, Respondent Judge,

and

DAYNA CLAIRE OWSKEY, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 1CCV-20-0001060)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of the petition for a writ of mandamus and/or extraordinary writ, filed on August 27, 2022, the documents attached and submitted in support, and the record, Petitioner has not demonstrated a clear and indisputable right to relief because Petitioner's expert valued the life interest based on an estimate of Petitioner's life expectancy, which appears to be part of Petitioner's claim for damages in the First Amended

Complaint, see Hawai'i Rules of Evidence Rule 504(d)(3); Brende v. Hara, 113 Hawai'i 424, 430-31, 153 P.3d 1109, 1115-16 (2007), and the terms of the stipulated protective order is not before this court in this original proceeding. An extraordinary writ is thus not warranted. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (1999). Accordingly,

It is ordered that the petition is denied.

DATED: Honolulu, Hawai'i, October 14, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

