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SCPW-23-0000056

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CAMERON NICE and MARTHA NICE, Petitioners,

vs.

THE HONORABLE RANDAL VALENCIANO,
Judge of the Circuit Court of the Fifth Circuit,
State of Hawai'i, Respondent.

ORIGINAL PROCEEDING
(5CCV-22-0000027)

ORDER DENYING PETITION

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

Upon consideration of the January 28, 2023 letter from Cameron and Martha Nice and its supporting documents which, on February 3, 2023, was filed with this court as a petition for a writ of mandamus, we construe the portion of the Nices' petition directed to this court as a request for interlocutory review of the underlying litigation in Mark Malagodi, etc. v. Cameron E. Nice, et al., 5CCV-22-0000027 and conclude that the Petitioners have failed to demonstrate a right to such review. We further conclude that the record does not support the conclusion that

the Respondent Judge has exceeded his jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court in which the judge is subject to a legal duty to act. See State ex rel. Kaneshiro v. Huddy, 82 Hawai'i 188, 193, 921 P.2d 108, 113 (1996). Finally, in such litigation, an alternate remedy exists, of appellate review. Straub Clinic & Hospital v. Kochi, 81 Hawai'i 410, 414, 917 P.2d 1284, 1288 (1996). Therefore,

It is ordered that the petition is denied.

DATED: Honolulu, Hawai'i, February 10, 2023.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

