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Supreme Court
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SCPW-23-0000375

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

GYM BIRTHDAYSUIT, III, FORMERLY KNOWN AS JAMES PAUL CALZETTA AKA
JAMES PAUL CALZETA, Petitioner,

vs.

THE HONORABLE TIMOTHY E. HO,
Judge of the District Court of the First Circuit,
State of Hawai'i, Respondent Judge,

and

CIRRUS ASSET MANAGEMENT, INC. and PAU STREET PARTNERS II, LLC,
Respondents.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., McKenna, and Eddins, JJ.,
Circuit Judge Souza and Circuit Judge Cataldo
assigned by reason of vacancies)

Upon consideration of the June 1, 2023 submission by Gym
Birthdaysuit III, formerly known as James Paul Calzetta aka
James Paul Calzeta (Petitioner), and the exhibits attached
thereto, we conclude the Petitioner has failed to demonstrate
that the district court exceeded its jurisdiction, committed a

flagrant and manifest abuse of discretion, or refused to act on a subject properly before it, in which the court was 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)), or that the Petitioner otherwise has a clear and indisputable right to relief and the lack of other means to redress the alleged wrong or obtain the requested action (see Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999)). A writ of mandamus is not intended to supersede the legal discretionary authority of the trial courts, or serve as a legal remedy in lieu of normal appellate procedures. Honolulu Advertiser, Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978). Therefore,

It is ordered that the petition is denied.

DATED: Honolulu, Hawai'i, July 20, 2023.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Kevin A.K. Souza

/s/ Lisa W. Cataldo

