

**Electronically Filed
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SCPW-23-0000333

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

IN RE CELESTE M. GONSALVES

ORIGINAL PROCEEDING
(1DRC-21-0001879; 1DRC-21-0002121)

ORDER

(By: Recktenwald, C.J., McKenna, and Eddins, JJ.,
Circuit Judge Malinao and Circuit Judge Park,
assigned by reason of vacancies)

Upon consideration of petitioner Celeste M. Gonsalves’s “Original jurisdiction application for emergency relief of denial of ADA reasonable accommodations” filed May 8, 2023 (Petition), the supplemental memorandum, filed on July 11, 2023, and the record, we conclude the writ requested by the petitioner is not warranted.

In the Petition, the petitioner alleges, in pertinent part, that the district court judges committed error in their handling of the following district court cases: Stuart Glauberman and Vicky Ramil v. Celeste M. Gonsalves, 1DRC-21-0001879 and Stuart

B. Glauberman, by his Managing Agent, KFG Properties, Inc. v. Celeste M. Gonsalves, 1DRC-21-0002121. The specific relief requested by the petition, in pertinent part, is for this court to “vacate all rulings” entered in these cases and to “remand these cases back to district court to be scheduled for a new trial for damages and motions hearings.”

To justify the issuance of a writ of mandamus or prohibition the burden is on petitioner to establish a clear and indisputable right to the relief requested and a lack of other means to redress adequately the alleged wrong or to obtain the requested action. Kema v. Gaddis, 91 Hawai‘i 200, 204, 982 P.2d 334, 338 (1999). Petitioner failed to carry this burden.

Here, the Petition alleges that petitioner “filed appeals in both cases” and references CAAP-21-0000536 and CAAP-21-0000545. The Petition further states, in pertinent part, “If I cannot be afforded relief . . . then I will begin the process of an Appeal[.]” A writ of mandamus, however, is not intended to serve as a legal remedy “in lieu of normal appellate procedures.” See Kema, 91 Hawai‘i at 204, 982 P.2d at 338. The petitioner has therefore failed to establish the lack of other means to obtain the requested action.

To the extent the petitioner alleges misconduct on the part of district court judges, we note that the appropriate forum for such complaints is the Commission on Judicial Conduct.

Finally, we note that Dockets 1, 2, and 3 were initially sealed by the appellate clerk at the request of the petitioner, in accordance with Rule 3.3 of the Hawai‘i Court Records Rules, which provides, in pertinent part, that “[t]he Clerk may temporarily seal any document or record . . . pending review and a determination” of accessibility by the court. See also Oahu Publ’ns Inc. v. Takase, 139 Hawai‘i 236, 247-48, 386 P.3d 873, 884-85 (2016).

We find that Docket 1 includes medical and health records, as well as references throughout the document to the petitioner’s health and medical information and/or the health and medical information of petitioner’s family, and conclude that these records may remain sealed. See, e.g., Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr., 138 Hawai‘i 14, 19, 375 P.3d 1252, 1257 (2016) (discussing the constitutional right to privacy). However, any individual may file a motion objecting to the sealing of Docket 1. Grube v. Trader, 142 Hawai‘i 412, 423, 420 P.3d 343, 354 (2018); Oahu Publ’ns Inc. v. Ahn, 133 Hawai‘i 482, 507, 331 P.3d 460, 485 (2014). We further note that it is possible for petitioner to file a redacted version of Docket 1 on the public record in this case, and do not foreclose this alternative in the event an objection is filed to challenge the complete sealing of Docket 1. See Grube, 142 Hawai‘i at 424, 420 P.3d at 355.

As to Docket 2, the Petitioner herself asserts that the information contained at pages 2-3, being a Judicial Retention Evaluation Form, is confidential, and we concur, based upon Rule 5 Section 2.A of the Judicial Selection Commission Rules.

Finally, as to Docket 3, the document contains a reference to medical information that should be redacted. See Pac. Radiation Oncology, 138 Hawai'i at 19, 375 P.3d at 1257.

Therefore,

It is ordered that the clerk of the appellate court shall process the petition without payment of the filing fee.

It is further ordered that the clerk of the court shall file public versions of Dockets 2 and 3, redacted consistent with this order.

It is further ordered that the petition is denied.

DATED: Honolulu, Hawai'i, August 3, 2023.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Clarissa Y. Malinao

/s/ Shanlyn A.S. Park

