

**Electronically Filed
Supreme Court
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SCPW-23-0000373

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

SANDEE KIM VILLEZA and BRENT IAN VILLEZA,
Petitioners,

vs.

THE HONORABLE JEANNETTE H. CASTAGNETTI,
Judge of the Circuit Court of the First Circuit,
State of Hawai‘i, Respondent Judge,

and

WELLS FARGO BANK, NATIONAL ASSOCIATION,
AS TRUSTEE FOR STRUCTURED ADJUSTABLE RATE MORTGAGE LOAN TRUST,
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-6,
Respondent.

ORIGINAL PROCEEDING
(CASE NO. 1CCV-22-0001614)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS AND/OR PROHIBITION
(By: Recktenwald, C.J., McKenna, and Eddins, JJ.,
Circuit Judge Cahill and Circuit Judge Kawano,
assigned by reason of vacancies)

Upon consideration of the "Petition for writ of mandamus and/or prohibition," filed on June 1, 2023 (Petition), the documents attached and submitted in support, and the record, Petitioners Sandee Kim Villeza and Brent Ian Villeza failed 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." See Kema v. Gaddis, 91 Hawai i 200, 204, 982 P.2d 334, 338 (1999).

Here, Petitioners are defendants to the foreclosure complaint in civil number 1CCV-22-0001614 and may raise and establish their defenses in that proceeding and, if necessary, may appeal. See Hawai'i Revised Statutes § 667-51(a)(1). We find that mandamus to address the question raised in the Petition is, thus, not warranted because "[s]uch writs are not meant to supersede the legal discretionary authority of the lower court, nor are they meant to serve as legal remedies in lieu of normal appellate procedures." Kema, 91 Hawai'i at 204, 982 P.2d at 338.

It is ordered that the Petition is denied.

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

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Peter T. Cahill

/s/ Kelsey T. Kawano

