

**Electronically Filed
Supreme Court
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SCPW-23-0000405

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL W. HALE, GREGORY C. DENCKER, CAROL K. DENCKER, and
CHAMPAGNE COVE, LLC, Petitioners,

vs.

THE HONORABLE HENRY T. NAKAMOTO,
Judge of the Circuit Court of the Third Circuit,
State of Hawai'i, Respondent Judge,

and

LLOYD'S, LONDON, an alien surplus lines insurer, aka Lloyd's of
London, aka The Society of London, CERTAIN UNDERWRITERS AT
LLOYD'S LONDON, SPECIALIZED LOAN SERVICING, LLC, PYRAMID
INSURANCE CENTRE, LTD., JERRY G. MANIN, CHRISTINE MICHELLE
GUMBS, CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO
POLICY NO. HGMH18526, Identified as Lloyd's Syndicate No. 2003,
Lloyd's Syndicate No. 318, Lloyd's Syndicate No. 4020, Lloyd's
Syndicate No. 2121, Lloyd's Syndicate No. 2007, Lloyd's
Syndicate No. 2283, Lloyd's Syndicate No. 1729, BORISOFF
INSURANCE SERVICES, INC., dba Monarch E&S Insurance Services,
ARM CLAIMS INCORPORATED, dba Affirmative Risk Management,
ILIKEA, LLC, dba Moa Insurance Services Hawai'i, JUDY MOA,
Respondents.

ORIGINAL PROCEEDING
(CASE NO. 3CC191000143)

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

In the underlying civil case, the circuit court granted a renewed motion to dismiss for lack of personal jurisdiction and then denied Petitioners' motion for reconsideration of this decision. Petitioners seek further review of the merits of the circuit court's decisions through this original proceeding.

But an extraordinary writ is not meant to be used to interfere with or control the exercise of the circuit court's discretion, and it is within the circuit court's discretion to grant or deny a motion that is pending before it. Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (1999).

The petition also claims that Petitioners have no alternative means "adequate" to seek relief and requests an expedited decision from this court. But after the circuit court denied Petitioners' motion for reconsideration, Petitioners filed a motion for leave to file an interlocutory appeal on August 3, 2023. Petitioners' motion for leave to file an interlocutory appeal was filed about six weeks after filing the subject petition for a writ of mandamus.

An extraordinary writ is also not meant to be used to sidestep normal appellate procedures merely because a party wants a speedy decision from this court. See id.

Upon consideration of the petition for a writ of mandamus filed on June 21, 2023, and the record, it is ordered that the petition is denied.

DATED: Honolulu, Hawai'i, October 4, 2023.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Jeffrey P. Crabtree

/s/ Ronald G. Johnson

