

**Electronically Filed
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SCPW-23-0000441

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

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

Upon consideration of the July 25, 2023 submission from
Petitioners Cameron and Martha Nice and its supporting
documents, and the subsequent August 29, 2023, September 13,
2023, and September 24, 2023 submissions, we conclude that the
Petitioners have failed to demonstrate a clear and indisputable
right to relief, including by failing to demonstrate 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).

Furthermore, with regard to the substantive decisions of the circuit court in the underlying litigation, and with regard to the allegations of judicial and attorney misconduct, we note the availability of alternate remedies. We therefore conclude that the Petitioners have failed to establish a clear and indisputable right to relief or that they lack other means to adequately redress the alleged wrong, or both. See Straub Clinic & Hospital v. Kochi, 81 Hawai'i 410, 414, 917 P.2d 1284, 1288 (1996); In re Disciplinary Bd. of Hawai'i Supreme Court, 91 Hawai'i 363, 368-69, 984 P.2d 688, 693-94 (1999); Breiner v. Sunderland, 112 Hawai'i 60, 68, 143 P.3d 1262, 1270 (2006).

Therefore,

It is ordered that the petition is denied.

DATED: Honolulu, Hawai'i, October 5, 2023.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Matthew J. Viola

/s/ Rowena A. Somerville

