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SCPW-24-0000086

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

JIN QUAN YANG, Petitioner,

vs.

THE HONORABLE MICHELLE L. DREWYER,
Judge of the Circuit Court of the Second Circuit,
State of Hawai‘i, Respondent Judge,

and

PACIFIC HAWAII FOOD SERVICE LLC, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 2CCV-22-0000181)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, and Devens, JJ.)

Upon consideration of petitioner Jin Quan Yang’s February 12, 2024 petition for writ of mandamus (Petition) to recuse the respondent judge from Civil No. 2CCV-22-0000181, and the record, we conclude that mandamus relief is not warranted.

Here, Petitioner by timely appeal may raise this same grievance. See Hawai‘i Revised Statutes § 641-1(a) (2016).

Consequently, Petitioner's case is not one in which the question of disqualification cannot otherwise be reviewed, and immediate review by way of mandamus is not warranted. See Womble Bond Dickinson (US) LLP v. Kim, 153 Hawai'i 307, 319, 537 P.3d 1154, 1166 (2023) (requiring a petitioner seeking an extraordinary writ to "demonstrate 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" (cleaned up)); Peters v. Jamieson, 48 Haw. 247, 257, 397 P.2d 575, 582-83 (1964) ("[A] writ of prohibition will lie to compel a trial judge to recuse . . . because of bias or prejudice which appears from the record, where . . . the case is one in which the question of disqualifications cannot otherwise be reviewed.").

The Petition made several other requests for relief, none of which we find warrant further review by mandamus. In sum, none of Petitioner's arguments support the issuance of the requested writ. In so holding, we do not decide any question as to the merits.

The burden was on Petitioner to establish the extraordinary circumstances to warrant mandamus. We find that Petitioner failed to carry this burden. See Hawai'i Rules of Appellate Procedure, Rule 21(c) ("If the court is of the opinion that the writ should not be entertained, it shall deny the petition."). Petitioner's grievances may be pursued by appeal, rather than by

resort to this court's original jurisdiction for extraordinary writs.

It is ordered that the Petition is denied.

DATED: Honolulu, Hawai'i, April 5, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

