

**Electronically Filed
Supreme Court
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SCPW-26-0000104

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

KEN FUKUYAMA, Respondent,

vs.

ARTHUR JEREMIAH, Petitioner.

ORIGINAL PROCEEDING
(CAOT-25-0000821; CASE NO. 1DRC-25-0001519)

ORDER DENYING PETITION AND MOTION

(By: Devens, C.J., McKenna, Eddins, and Ginoza, JJ.,
and Circuit Judge Cahill, assigned by reason of vacancy)

Upon consideration of the motion to transfer CAOT-25-0000821 from the Intermediate Court of Appeals (ICA) to this court, filed February 12, 2026, and the record, including the record of CAOT-25-0000821, CAOT-25-0000821 has already been dismissed by the ICA and thus not within the ICA’s jurisdiction to be transferred to this court. See Hawai‘i Revised Statutes (HRS) § 602-58 (2016).

To the extent Jeremiah seeks review of the ICA’s decision to dismiss CAOT-25-0000821 for lack of jurisdiction, the ICA’s

order dismissing CAOT-25-0000821 is correct because it is this court, and not the ICA, that has jurisdiction to issue an extraordinary writ such as a writ of mandamus. HRS § 602-5(a)(3) (2016); HRS § 602-57 (2016).

As to the petition for extraordinary writ, the motion filed in this case and petition filed in CAOT-25-0000821 do not demonstrate a clear and indisputable right to relief, nor a lack of alternatives to obtain the relief sought. Petitioner agreed to leave the property. And there is a pending appeal in CAAP-25-0000826 where the same relief could have been requested. An extraordinary writ is unwarranted. See Womble Bond Dickinson (US) LLP v. Kim, 153 Hawai'i 307, 319, 537 P.3d 1154, 1166 (2023).

It is ordered that the motion to transfer CAOT-25-0000821 and the petition for extraordinary writ are denied.

DATED: Honolulu, Hawai'i, May 13, 2026.

/s/ Vladimir P. Devens

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Peter T. Cahill

