IN THE SUPREME COURT OF THE STATE OF HAWAITI

SUPRO CORPORATION, Petitioner

vs.

THE HONORABLE EDEN ELIZABETH HIFO, Respondent

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ORIGINAL PROCEEDING

ORDER DENYING PETITIONER SUPRO CORPORATION'S

PETITION FOR WRIT OF MANDAMUS RE: PREMATURE

DEPOSITIONS OF SUPRO CORPORATION EXPERT WITNESSES

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of the petition for a writ of mandamus filed by Petitioner Supro Corporation, the papers in support, and the records and files herein, it appears that: (1) Petitioner is petitioning this court to review rulings and orders issued by the respondent judge in In re: Haswaii Abestos Cases
Underwood v. Kaiser Gypsum Co., Inc., Civil No. 04-1-0492; (2) Petitioners will have a remedy by way of appeal from any adverse judgment, and a writ of mandamus is not intended to take the place of an appeal. Therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied without prejudice to any remedy Petitioner may have in the pending circuit court proceeding and without prejudice Petitioner may have by way of appeal.

DATED: Honolulu, Hawai'i, December 23, 2005.

Edward R. Hugo and Wayne S. Sakamoto for petitioner on the writ

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