

NO. 28035

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

RICHARD C. PAGE and BEVERLY A. PAGE, Petitioners,

vs.

HONORABLE HILARY BENSON GANGNES; JUDGE OF THE DISTRICT COURT
OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondent,

and

MELVYN YEW KEONG CHOY, Real Party in Interest.

ORIGINAL PROCEEDING
(CIV. NO. 1RC06-1-2144)

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioners Richard Page and Beverly Page and the papers in support, it appears that the decision of the respondent judge denying petitioners' motion to dismiss Civil No. 1RC06-1-2144 for lack of district court jurisdiction is reviewable on appeal from a final judgment entered in Civil No. 1RC06-1-2144. Petitioners will have a remedy by way of appeal from a final judgment and a writ of mandamus is not intended to take the place of an appeal. Therefore,

EM. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

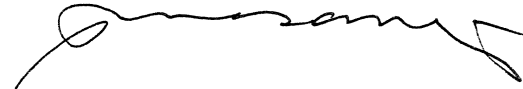
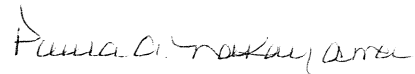
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FILED

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied without prejudice to any remedy petitioners may have by way of appeal.

DATED: Honolulu, Hawai'i, July 31, 2006.

Scot S. Brower,
for petitioners



Kamae E. Dubbs, Jr.