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Supreme Court
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SCPW-14-0001338

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EILEEN SHAVELSON, Petitioner,

vs.

THE HONORABLE RANDAL G.B. VALENCIANO, JUDGE OF THE FIFTH
CIRCUIT COURT, STATE OF HAWAI'I, Respondent Judge,

and

KITAAMI, JEFFREY HIRANAKA, HARVEY HIRANAKA, and
MRS. MILTON (ANNA) HIRANAKA, Respondents.

ORIGINAL PROCEEDING
(CIVIL NO. 13-1-0137)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of Petitioner Eileen Shavelson's petition for a writ of mandamus, filed on December 4, 2014, the documents attached thereto and submitted in support thereof, and the record, it appears that the complaint and summons may not have been properly served upon the Respondents and, therefore, a judgment ending the case is not appropriate at this time. Petitioner is not entitled to the requested writ of mandamus. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (a writ of mandamus is an extraordinary remedy that will not

issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action); Honolulu Advertiser, Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of mandamus is not intended to supersede the legal discretionary authority of the trial courts, cure a mere legal error, or serve as a legal remedy in lieu of normal appellate procedure; rather, it is meant to restrain a judge of an inferior court from acting beyond or in excess of his or her jurisdiction). Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, December 17, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

