

**Electronically Filed
Supreme Court
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NO. SCPW-11-0000796

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

BARBARA E. SHERRILL, Petitioner,

vs.

THE HONORABLE DERRICK H.M. CHAN, JUDGE OF THE CIRCUIT
COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(P. No. 10-1-0254)

ORDER

(By: Recktenwald, C.J., Nakayama, Duffy, and McKenna, JJ.,
and Circuit Judge Browning, in place of Acoba, J., recused)

Upon consideration of petitioner Barbara E. Sherrill's petition for a writ of mandamus and the papers in support, it appears that petitioner fails to demonstrate a clear and disputable right to relief and petitioner has appealed the respondent judge's September 21, 2011 judgment to the intermediate court of appeals. Therefore, petitioner is not entitled to mandamus relief. 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.). Accordingly,

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

DATED: Honolulu, Hawai'i, January 19, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

/s/ R. Mark Browning

