

NO. 24403

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KITV-4 and the HONOLULU STAR-BULLETIN, Petitioners,

vs.

THE HONORABLE COLLEEN HIRAI, JUDGE OF THE CIRCUIT
COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I;
TRUSTEES OF THE ESTATE OF JAMES CAMPBELL, DECEASED;
BENEFICIARIES OF THE ESTATE OF JAMES CAMPBELL, DECEASED;
AND, ASHFORD & WRISTON, A LAW PARTNERSHIP, Respondents.

ORIGINAL PROCEEDING
(Equity No. 2388)

ORDER

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

Upon consideration of Petitioners KITV-4 and Honolulu Star Bulletin's petition for writ of mandamus and the papers in support, it appears that: (1) Petitioners are seeking review of an order denying a motion to intervene entered in In the Estate of James Campbell, Equity No. 2388; (2) An order denying a motion to intervene is an appealable order. See Baehr v. Miike, 80 Hawai'i 341, 910 P.2d 112 (1996); Ing v. Acceptance Ins. Co., 76 Hawai'i 266, 874 P.2d 1091 (1994); Takayama v. Financial Sec. Ins. Co., 79 Hawai'i 98, 898 P.2d 610 (App. 1995); Kim v. H.V. Corp., 5 Haw. App. 298, 688 P.2d 1158 (1984); and (3) A petition for a writ of mandamus is not intended to take the place of an appeal. Kema v. Gaddis, 91 Hawai'i 200, 204-205, 982 P.2d 334, 338-339 (1998). Therefore,

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 20, 2001.