

NO. 25056

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

RONALD ALAN OBER, Petitioner,

vs.

THE HONORABLE RIKI MAY AMANO, Respondent.

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 99-217)

ORDER

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

Upon consideration of petitioner Ronald Alan Ober's petition for a writ of mandamus, the papers in support and opposition, and the record and files herein, it appears that: (1) petitioner Ronald Alan Ober asks this court to issue a writ of mandamus directing the respondent judge to enter findings of fact and conclusions of law and judgment in Ober v. Lighter, Civil No. 99-0217, presently pending in the Circuit Court of the Third Circuit; (2) 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 other means to adequately redress the alleged wrong or obtain the requested action. State v. Hamili, 87 Hawai'i 102, 104, 952 P.2d 390, 392, (1998) (citing Straub Clinic & Hospital v. Kochi, 81 Hawai'i 410, 414, 917 P.2d 1284, 1288 (1996)); (3) such writs are not meant to supersede the legal discretionary authority of the lower courts, nor are they meant to serve as legal remedies in lieu of normal appellate procedures. Id.; (4) where a trial court has

discretion to act, mandamus clearly will not lie to interfere with or control the exercise of that discretion, even when the judge has acted erroneously, unless the judge has exceeded his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances where it has a legal duty to act. Id.; (5) in her response, the respondent judge acknowledges that the FOF/COL must be filed, but explains that, due to the complexity of the issues, time constraints, and other court responsibilities, the FOF/COL have been prepared in a piecemeal fashion and approximately 10 to 12 hours will be needed to complete them; and (6) inasmuch as the respondent judge is not refusing to act, the issuance of a writ of mandamus is unwarranted at this time. Therefore,

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

DATED: Honolulu, Hawai'i, August 19, 2002.