

NO. 25946

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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HELEN B. RYAN, in her representative capacity as the Personal  
Representative of the ESTATE OF MICHAEL ROBERT CHASE,  
Petitioner

vs.

HON. DEXTER D. DEL ROSARIO,  
JUDGE OF THE FIRST CIRCUIT COURT, STATE OF HAWAI'I,  
Respondent

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ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of the petition for a writ of mandamus filed by Helen B. Ryan, in her capacity as Personal Representative of the Estate of Michael Robert Chase, it appears that: (1) Petitioner asks this court to review rulings issued by the respondent judge in Heir Apparent, Inc. v. Ryan, Civil No. 02-1-2352, presently pending in the Circuit Court of the First Circuit; (2) the respondent judge denied Petitioner's motion to take an interlocutory appeal, and pursuant to HRS § 641-1(b), the denial of a motion to take an interlocutory appeal is not reviewable by any court; (3) 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 the alleged wrong or obtain the requested relief, and such writs are not intended to take the

place of an appeal, 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));

(4) Petitioner will have a remedy by way of appeal from any final judgment entered in the circuit court case; and (5) Petitioner fails to demonstrate that she is entitled to a writ of mandamus.

Therefore,

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

DATED: Honolulu, Hawai'i, July 11, 2003.