

NO. 25966

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ROBERT WILLIAM REED, Petitioner

vs.

SABRINA S. MCKENNA, Judge, Circuit Court of the First
Circuit, and POPPY HANSON, Individually and as Next
Friend of SARAH HAYES, Respondents

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of Petitioner Robert William Reed's petition for a writ of mandamus, the papers in support, and the records and files herein, it appears that: (1) Petitioner is seeking review of an order denying a motion to quash a subpoena duces tecum in Hanson v. Reed, Civil No. 02-1-0140, presently pending in the Circuit Court of the First 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 alternative means to 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 in which it has a legal duty to act. Id.; (5) Petitioner fails to demonstrate that he is entitled to a writ of mandamus; and (6) Petitioner has a remedy by way of appeal from any adverse judgment. See Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 966 P.2d 631 (1998).

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, August 28, 2003.

Jonathan L. Ortiz,
Wade J. Katano, and
Allison M. Fujita for
Petitioner Robert William
Reed on the petition