

NO. 26282

IN THE SUPREME COURT OF THE STATE OF HAWAII

BEVERLY J. PERRY, on behalf of herself and
all others similarly situated, Petitioner

vs.

HONORABLE EDEN E. HIFO, Judge of the
First Circuit Court, Respondent

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR A WRIT OF PROHIBITION TO BE ISSUED
TO THE HONORABLE EDEN E. HIFO, JUDGE OF THE FIRST CIRCUIT COURT
PURSUANT TO RULE 21(a), HAWAII RULES OF APPELLATE PROCEDURE
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Petitioner Beverly J. Perry's
petition for a writ of prohibition, the papers in support, and
the records and files herein, it appears that: (1) Petitioner
seeks an order prohibiting the respondent judge from enforcing
the order compelling Petitioner to order transcripts pursuant to
HRAP Rule 10(b)(4) for her pending appeal docketed as Appeal
No. 26151; (2) a writ of mandamus and/or prohibition 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 redress adequately the alleged wrong or obtain
the requested action. Evans v. Takao, 74 Haw. 267, 842 P.2d 255
(1992); see also Gannett Pacific Corp. v. Richardson, 59 Haw.
224, 580 P.2d 49 (1978) (a writ of prohibition is an
extraordinary remedy that will be granted only in rare and

exigent circumstances); (3) such writs are not meant to supersede the legal discretionary authority of the trial courts, nor are they to serve as legal remedies in lieu of normal appellate procedures. Evans, 74 Haw. at 279, 842 P.2d at 261; and (4) Petitioner should file any request for relief related to her appeal in her appeal. Therefore,

IT IS HEREBY ORDERED that the petition for a writ of prohibition is denied without prejudice to Petitioner seeking any relief in her pending appeal.

DATED: Honolulu, Hawai'i, January 8, 2004.

Lloyd Y. Asato,
for petitioner
on the writ