

NO. 27834

IN THE SUPREME COURT OF THE STATE OF HAWAII

EM. BIRNANDON
CLERK APPELLATE COURTS
STATE HAWAII

2006 MAR 29 PM 1:28

FILED

JOHN F. KAHOOILIHALA, DOREEN K. KAHOOILIHALA
and JOHN K. MORRIS, Petitioners

vs.

THE HONORABLE EDEN ELIZABETH HIFO and KAWAIAHA'O CHURCH,
by and through Its Board of Trustees, Respondents

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 petitioners John F. Kahooilihala, Doreen K. Kahooilihala and John K. Morris, the papers in support and the record, it appears that the actions of the respondent judge are reviewable on appeal from a judgment entered in Civil No. 03-1-0166, petitioners will have a remedy by way of appeal from any adverse judgment and a writ of mandamus is not intended to take the place of an appeal. 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, March 29, 2006.

Wayne M. Sakai,
Michiro Iwanaga,
and Daniel M. Chen
for petitioners on
the writ

[Handwritten signatures]
Steve Levinson
Doreen K. Nakayama
Kama E. Duffy, Jr.