

NO. 28261

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

TROY YOSHIO TANAKA, Petitioner

vs.

HONORABLE CHRISTINE KURIYAMA,
Judge of the Family Court of the First Circuit,
State of Hawai'i; PIYAPORN TANAKA, Respondents

EMERSON
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 DEC -6 AM 10:15

FILED

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioner Troy Tanaka and the papers in support, it appears that HRAP Rule 8 provides a procedure for obtaining a stay of the March 13, 2006 divorce decree pending petitioner's appeal of the decree in No. 27818 and a writ of mandamus is not intended to serve as a legal remedy in lieu of normal appellate procedures. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (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 adequately the alleged wrong or obtain the requested action. Such writs are not intended to supersede the legal discretionary authority of the lower courts, nor are they intended to serve as legal remedies in lieu of normal appellate procedures.). Therefore,

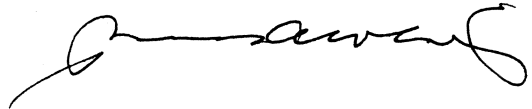
IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, December 6, 2006.

Lynnae Lee and
Curtis Kam for
petitioner on
the petition



Paula C. Nakayama



Kama E. Duffy, Jr.