NO. 29025

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DIANA FREEMAN, WAYNE UTA, and JAMES IREIJO, Petitioners,

vs.

THE HONORABLE GLENN S. HARA, JUDGE OF THE CIRCUIT COURT OF THE THIRD CIRCUIT, STATE OF HAWAI'I, HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY, INC., SERVCO INSURANCE SERVICES CORP. dba AMERICAN INSURANCE AGENCY, INC., and HMP, INC. dba BUSINESS SERVICES HAWAII, Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 05-1-0240)

ORDER

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

Upon consideration of the petition for a writ of mandamus or prohibition filed by petitioners Diana Freeman, Wayne Uta and James Ireijo and the papers in support, it appears that a judgment against petitioners on the settlement lien in Civil No. 05-1-0240 will be appealable pursuant to HRS § 641-1(a) (Supp. 2007) by petitioners Freeman and Uta, as plaintiffs, and by petitioner Ireijo, as a real party in interest (see e.g. Gap v. Puna Geothermal Venture, 106 Hawai'i 325, 104 P.3d 912 (2004); State v. Adam, 97 Hawai'i 475, 482, 40 P.3d 877, 884 (2002)). Petitioners can seek a stay of the judgment pending appeal from the circuit court and from the appellate court pursuant to HRAP 8. Therefore, petitioners are not entitled to extraordinary relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of mandamus 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 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.). Accordingly,

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

DATED: Honolulu, Hawai'i, March 7, 2008.