

NO. 29327

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STOP RAIL NOW, LET HONOLULU VOTE, LEAGUE OF WOMEN  
VOTERS OF HONOLULU, SENSIBLE TRAFFIC ALTERNATIVES &  
RESOURCES, INC. dba HONOLULU TRAFFIC.COM, PAUL DE GRACIA,  
PAUL E. SMITH, ROBERT KESSLER, WARREN P. BERRY,  
JEREMY LAM, M.D., SCOTT R. WILSON, DENNIS CALLAN,  
and SAMUEL SLOM, Petitioners,

vs.

THE HONORABLE KARL K. SAKAMOTO, JUDGE OF THE  
CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I  
and DENISE C. DE COSTA, in her capacity as CITY CLERK  
OF THE CITY AND COUNTY OF HONOLULU, Respondents.

KARL K. SAKAMOTO  
CLERK OF THE CIRCUIT COURTS  
STATE OF HAWAI'I

2008 SEP -3 PM 1:29

FILED

ORIGINAL PROCEEDING  
(CIV. NO. 08-1-1605)

ORDER

(By: Moon, C.J., Levinson, Nakayama, and Duffy, JJ., and  
Intermediate Court of Appeals Judge Nakamura,  
in place of Acoba, J., recused)

Upon consideration of the petition for a writ of  
mandamus filed by petitioners Stop Rail Now, Let Honolulu Vote,  
League of Women Voters of Honolulu, Sensible Traffic Alternatives  
& Resources, Inc., Paul De Gracia, Paul E. Smith, Robert Kessler,  
Warren P. Berry, Jeremy Lam, M.D., Scott R. Wilson, Dennis  
Callan, and Samuel Slom and the papers in support, we conclude  
that Petitioners have not demonstrated that they are entitled to  
mandamus relief. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982  
P.2d 334, 338-39 (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.). Accordingly,

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

DATED: Honolulu, Hawai'i, September 3, 2008.

*[Handwritten signature]*

*Steven H. Levinson*

*Faula C. Takayama*

*Samoa E. Dubby, Jr.*

*Clyde H. Nakamura*