

NO. 29723

IN THE SUPREME COURT OF THE STATE OF HAWAII

RICHARD BLAISDELL, Petitioner,

vs.

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII
and DEPARTMENT OF PUBLIC SAFETY, Respondent

K. HAMA AKAO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2009 MAY 12 AM 8:53

FILED

ORIGINAL PROCEEDING
(CIVIL NO. 04-1-1455)

ORDER

(By: Moon, C.J., Nakayama, Acoba, and Duffy, JJ. and
Circuit Judge Raffetto, assigned by reason of vacancy)

Upon consideration of the petition for a writ of mandamus filed by petitioner Richard Blaisdell, the papers in support, and the answer by respondent Circuit Court of the First Circuit, it appears that petitioner, having prevailed in his appeal of Civil No. 04-1-1455, has a clear and indisputable right to the declaratory and other relief sought from the circuit court and from defendant Department of Public Safety in Civil No. 04-1-1455. See Blaisdell v. Department of Public Safety, 119 Hawai'i 275, 196 P.3d 277 (2008). Civil No. 04-1-1455 was remanded to the circuit court on December 2, 2008 with instructions to enter a declaratory judgment and certain orders, but such judgment and orders have not been entered to date. Petitioner moved the circuit court on February 9, 2009 to expeditiously dispose of Civil No. 04-1-1455, but the circuit court further delayed disposition by reassigning the case on February 11, 2009 and again reassigning the case sometime after March 27, 2009. Any further delay in disposing of Civil No. 04-1-1455 would be contrary to the circuit court's duty to promptly and efficiently

dispose of the case. Therefore, petitioner is entitled to mandamus relief. 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 issue where 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 granted. The Circuit Court of the First Circuit, shall, by June 1, 2009: (1) enter a judgment in Civil No. 04-1-1455 declaring plaintiff Richard Blaisdell's "restricted" account violative of HRS § 353-20 and order such relief to plaintiff as may be appropriate as a result of such declaration, and (2) order interest to the extent due but not yet credited, to be paid on plaintiff's accounts.

DATED: Honolulu, Hawai'i, May 12, 2009.



Pamela A. Nakayama



James E. Dooly, Jr.

