

NO. 29895

IN THE SUPREME COURT OF THE STATE OF HAWAII

RICHARD BLAISDELL, Petitioner,

vs.

THE HONORABLE ROM A. TRADER, JUDGE OF THE CIRCUIT COURT
OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondent.

CLERK, APPELLATE COURTS
STATE OF HAWAII
Norma K. Kamao

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FILED

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

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioner Richard Blaisdell and the papers in support, it appears that: (1) relief from the May 22, 2009 judgment entered in Civil No. 04-1-1455 is available to petitioner in the circuit court pursuant to HRCP 60(b); and (2) relief from respondent as presiding judge in Civil No. 04-1-1455 is available to petitioner in the circuit court pursuant to HRS § 601-7 (1993 and Supp. 2008). Therefore, petitioner is not entitled to extraordinary 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 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.).

It further appears that issuance of a declaratory judgment on the constitutionality of Act 75, 26th Leg., Reg.

Sess. (2009) is not within the original jurisdiction of the
supreme court. See HRS §§ 602-5 (Supp. 2008) and 632-1 (1993).
Accordingly,

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

DATED: Honolulu, Hawai'i, July 7, 2009.



Anna C. Nishiyama



James E. Duggan, Jr.

Mari E. Redtenwald