

NO. 30086

IN THE SUPREME COURT OF THE STATE OF HAWAII

DEBBIE L. CAWTHON and RONALD D. CAWTHON,
Petitioners,

vs.

DARWIN CHING, DIRECTOR, STATE OF HAWAII DEPARTMENT
OF LABOR AND INDUSTRIAL RELATIONS and
GARY HAMADA, ADMINISTRATOR, WORKER'S COMPENSATION
DIVISION, STATE OF HAWAII, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS, Respondents.

EMILIANO
CLERK OF APPELLATE COURTS
STATE OF HAWAII

2009 OCT 19 AM 11:14

FILED

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioners Debbie L. Cawthon and Ronald D. Cawthon and the papers in support, it appears that the furnishing of medical care and the payment of benefits under HRS Chapter 386 are not ministerial duties of the respondents. Therefore, petitioners are not entitled to mandamus relief. See HRS § 602-5(3) (Supp. 2008) (The supreme court has jurisdiction and power to issue writs of mandamus directed to public officers to compel them to fulfill the duties of their offices.); In Re Disciplinary Bd. Of Hawaii Supreme Court, 91 Hawai'i 363, 368, 984 P.2d 688, 693 (1999) (Mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available.); Salling v. Moon, 76 Hawai'i 273, 274 n. 3, 874 P.2d 1098, 1099 n.3 (1994) ("A duty is ministerial where the law prescribes and defines the duty to be

performed with such precision and certainty as to leave nothing to the exercise of discretion and judgment."). Accordingly,

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

DATED: Honolulu, Hawai'i, October 19, 2009.



Paula A. Nakayama



James E. Duffy, Jr.

Man E. Redmond