

NO. 30474

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LAHAINA FASHIONS, INC., a Hawai'i corporation,
Petitioner,

vs.

THE HONORABLE JOEL E. AUGUST and THE HONORABLE JOSEPH E. CARDOZA, JUDGES OF THE CIRCUIT COURT OF THE SECOND CIRCUIT, STATE OF HAWAI'I; BANK OF HAWAI'I, a Hawai'i corporation; HAWAIIAN TRUST COMPANY, LTD., as Trustee for Hawai'i Real Estate Equity Fund; HAWAI'I REAL ESTATE EQUITY FUND; PACIFIC CENTURY TRUST, a division of Bank of Hawai'i as Trustee of the Hawai'i Real Estate Equity Fund,
Respondents.

K. HAMAKA
CLERK, APPELLATE DEPT.
STATE OF HAWAII

2010 MAY -6 PM 1:47

FILED

ORIGINAL PROCEEDING
(CIVIL NO. 07-1-0506)

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioner Lahaina Fashions, Inc. and the papers in support, it appears that petitioner can seek review of the respondent judges' rulings by appealing from the final judgment entered in Civil No. 07-1-0506. Therefore, petitioner is not 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 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,

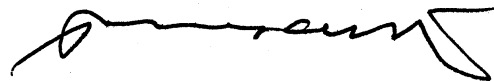
nor are they intended to serve as legal remedies in lieu of normal appellate procedures.). Accordingly,

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

DATED: Honolulu, Hawai'i, May 6, 2010.



Funa O. Takayama



Kamae E. Duggan Sr.

Mark E. McLintock