

**Electronically Filed
Supreme Court
SCPW-14-0001233
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SCPW-14-0001233

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Petitioner,

vs.

THE HONORABLE RANDAL K.O. LEE, Judge of the Circuit Court of the
First Circuit, State of Hawai'i, Respondent Judge,

and

TRACY T. YOSHIMURA, EUGENE M. SIMEONA, JR., MICHAEL D.
MILLER, MICHAEL A. MADALI, JR., CLAYTON SIMEONA,
DESIREE U. HAINA, QUENTIN D.R. CANENCIA, GARY G. DANLEY, JR.,
and ALEXANDER R. ALEJANDRO, Respondents.

ORIGINAL PROCEEDING
(CR. NO. 14-1-0717)

ORDER DENYING PETITION FOR WRIT OF PROHIBITION
AND STAY OF PROCEEDINGS

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of Petitioner State of Hawai'i's petition for a writ of prohibition and stay of proceedings, filed on October 29, 2014, the documents attached thereto and submitted in support thereof, and the record, it appears that Petitioner fails to demonstrate that the Respondent Judge acted or is acting beyond or in excess of his jurisdiction in finding that he had limited and inherent jurisdiction to consider the reconsideration

motion and in scheduling the evidentiary hearing. See Honolulu Adv., Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of prohibition "is an extraordinary remedy . . . to restrain a judge of an inferior court from acting beyond or in excess of his jurisdiction"). Accordingly,

IT IS HEREBY ORDERED that the petition is denied.

DATED: Honolulu, Hawai'i, November 14, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

