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Supreme Court
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IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ARDESHIR HORMOZYARI, in his capacity as Successor Trustee of the David E. Walters Trust dated March 31, 2003 and Personal Representative of the Estate of David Walters, Petitioner,

vs.

THE HONORABLE RANDAL G.B. VALENCIANO, JUDGE OF THE CIRCUIT COURT OF THE FIFTH CIRCUIT, STATE OF HAWAI'I, Respondent Judge,

and

BALI HAI VILLAS, LTD., a Hawaii Limited Partnership, and STEVEN GARNER, on behalf of himself and all other limited partners of Bali Hai Villas, Ltd., Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 13-1-0053)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Nakayama, Acting C.J., McKenna, Pollack, and Wilson, JJ., and Circuit Judge Nakasone, in place of Recktenwald, C.J., recused.)

Upon consideration of the petition for a writ of mandamus filed by Petitioner Ardeshir Hormozyari, in his capacity as Successor Trustee of the David E. Walters Trust dated March 31, 2003 and Personal Representative of the

Estate of David Walters, the documents attached thereto and submitted in support thereof, the supplemental memorandum, and the record, it appears that Petitioner fails to demonstrate, under the present facts and circumstances of the underlying proceeding, that he is entitled to the requested extraordinary relief. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (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). Accordingly,

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

DATED: Honolulu, Hawai'i, April 28, 2015.

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

/s/ Karen T. Nakasone

