

**Electronically Filed
Supreme Court
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SCPW-14-0001296

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

CATHOLIC FOREIGN MISSION SOCIETY OF AMERICA, INC.,
aka MARYKNOLL FATHERS AND BROTHERS, Petitioner,

vs.

THE HONORABLE EDWIN C. NACINO, JUDGE OF THE CIRCUIT COURT OF THE
FIRST CIRCUIT, STATE OF HAWAI‘I, Respondent Judge,

and

JOHN ROE 2; SOCIETY OF THE PRIESTS OF SAINT SULPICE
a/k/a THE ASSOCIATED SULPICIANs OF THE UNITED STATES, INC.; and
ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII, Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 12-1-1637-06)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
OR OTHER APPROPRIATE RELIEF

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

Upon consideration of Petitioner Catholic Foreign Mission Society of America, Inc., aka Maryknoll Fathers and Brothers's petition for a writ of mandamus, filed on November 12, 2014, the documents attached thereto and submitted in support thereof, and the record, it appears that Petitioner fails to demonstrate that, under the specific facts and circumstances of

this matter and the terms of the protective order, disclosure of the requested documents pursuant to the protective order issued by the Discovery Master violates article I, section 6 of the Hawai'i Constitution. Petitioner, therefore, is not entitled to a writ of mandamus. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (1999) (a writ of mandamus is meant to restrain a judge of an inferior court who has exceeded his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances in which he or she has a legal duty to act). Accordingly,

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

DATED: Honolulu, Hawai'i, March 18, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

