

**Electronically Filed
Supreme Court
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SCPW-14-0001329

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

NORTH BEACH WEST MAUI BENEFIT FUND,
a Hawai'i non-profit corporation, Petitioner,

vs.

LAND COURT OF THE STATE OF HAWAI'I, ADMINISTRATIVE
DIRECTOR OF THE COURTS, and CHIEF STAFF ATTORNEY
OF THE SUPREME COURT, Respondents.

ORIGINAL PROCEEDING
(1 L.D. CASE NO. 12-1-3039)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of Petitioner North Beach West Maui Benefit Fund's petition for a writ of mandamus or other relief, filed on December 1, 2014, the documents attached thereto and submitted in support thereof, and the record, it appears that Petitioner fails to demonstrate that it has a clear and indisputable right to the requested relief or that it lacks alternative means to seek relief. Petitioner, therefore, is not entitled to the requested writ of mandamus. 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); Honolulu Advertiser, Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of mandamus is not intended to supersede the legal discretionary authority of the trial courts, cure a mere legal error, or serve as a legal remedy in lieu of normal appellate procedure); Cir. Ct. R. 2.2(1)(c); Haw. Ct. Rec. R. 10.18(b). Accordingly,

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

DATED: Honolulu, Hawai'i, February 2, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

