

**Electronically Filed
Supreme Court
SCPW-15-000003
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SCPW-15-000003

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CORDIALLY RAMOS-NEWTON, Petitioner,

vs.

THE HONORABLE BERT I. AYABE, JUDGE OF THE CIRCUIT COURT
OF THE FIRST CIRCUIT, Respondent Judge,

and

U.S. BANK, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO BANK OF
AMERICA, N.A., AS SUCCESSOR BY MERGER TO LASALLE BANK, N.A. AS
TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE MLMI TRUST, MORTGAGE
LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-HE6, and ASSOCIATION
OF APARTMENT OWNERS OF HARBOR VISTA, Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 13-1-1765-06)

ORDER DENYING WITHOUT PREJUDICE PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of Petitioner Cordially Ramos-Newton's petition for a writ of mandamus, filed on January 5, 2015, the documents attached thereto and submitted in support thereof, and the record, it appears that Petitioner has filed an appeal from the foreclosure decree and the foreclosure judgment in CAAP-14-0001354 and that the foreclosure action remains

pending in the circuit court. Petitioner may seek relief in appeal or in the circuit court. 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).

Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied without prejudice to Petitioner seeking relief, as appropriate, in the appeal or the circuit court.

DATED: Honolulu, Hawai'i, January 21, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

