

**Electronically Filed  
Supreme Court  
SCPW-15-0000594  
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SCPW-15-0000594

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MICHAEL C. GREENSPON, Petitioner,

vs.

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

and

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE OF RESIDENTIAL  
ASSET SECURITIZATION TRUST 2006-A8, MORTGAGE PASS-THROUGH  
CERTIFICATES SERIES 2006-H UNDER THE POOLING AND SERVICE  
AGREEMENT DATED JUNE 1, 2006; INDYMAC FEDERAL BANK, F.S.B.;  
ONEWEST BANK F.S.B.; CAL-WESTERN RECONVEYANCE CORPORATION,  
Respondents.

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ORIGINAL PROCEEDING  
(CAAP-13-0001432; CIVIL NO. 11-1-0194-01)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Michael C. Greenspon's petition for a writ of mandamus, filed August 24, 2015, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate that he has a clear and indisputable right to the requested relief or that the respondent judge's actions demonstrate bias, infringe upon petitioner's constitutional rights, exceed the court's

jurisdiction, or constitute a flagrant and manifest abuse of discretion. 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 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; where a court has discretion to act, mandamus will not lie to interfere with or control the exercise of that discretion, even when the judge has acted erroneously, unless the judge 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, October 20, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

