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Supreme Court
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SCPW-16-0000047

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLIAM HALEMANO FREDERICK and MARY KATHERINE FREDERICK,
Petitioners,

vs.

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

and

CENTRAL PACIFIC BANK and SEA COUNTRY COMMUNITY ASSOCIATION,
Respondents.

ORIGINAL PROCEEDING
(CAAP-15-0000425; CIVIL NO. 14-1-2199-10)

ORDER DENYING PETITION FOR WRIT OF PROHIBITION
(By: Nakayama, Acting C.J., McKenna, Pollack, and Wilson, JJ., and
Circuit Judge Browning, in place of Recktenwald, C.J., recused)

Upon consideration of petitioners William Halemano Frederick and Mary Katherine Frederick's petition for writ of prohibition, filed January 26, 2016, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioners fail to demonstrate that they are entitled to the requested writ of prohibition. See Honolulu Adv., Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of prohibition "is an extraordinary remedy . . . to restrain

a judge of an inferior court from acting beyond or in excess of his jurisdiction"); Gannett Pac. Corp. v. Richardson, 59 Haw. 224, 226, 580 P.2d 49, 53 (1978) (a writ of prohibition is not meant to serve as a legal remedy in lieu of normal appellate procedures; rather, it is available in "rare and exigent circumstances" where "allow[ing] the matter to wend its way through the appellate process would not be in the public interest and would work upon the public irreparable harm"). Accordingly,

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

DATED: Honolulu, Hawai'i, March 3, 2016.

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

/s/ R. Mark Browning

