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Supreme Court
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SCPW-16-0000575

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KIMBERLYN SCOTT and BROOKE SCOTT, Petitioners,

vs.

THE HONORABLE JOSEPH E. CARDOZA, Judge of the Circuit Court of
the Second Circuit, State of Hawai'i, Respondent Judge,

and

STEVEN CAPOBIANCO and STATE OF HAWAI'I, Respondents.

ORIGINAL PROCEEDING
(CR. NO. 16-1-0133)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioners Kimberlyn Scott and Brooke Scott's petition for writ of mandamus, filed on August 18, 2016, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioners do not have a clear and indisputable right to the requested relief and, therefore, they are not entitled to the requested 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; such a writ 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 writ of mandamus is denied.

DATED: Honolulu, Hawai'i, August 30, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

