

**Electronically Filed
Supreme Court
SCPW-16-0000700
04-NOV-2016
01:14 PM**

SCPW-16-0000700

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

THE COMMUNITY ASSOCIATIONS OF HUALALAI,
a Hawai'i non-profit corporation, Petitioner,

vs.

LEEWARD PLANNING COMMISSION, COUNTY OF HAWAI'I;
and PLANNING DIRECTOR, COUNTY OF HAWAI'I, Respondents.

ORIGINAL PROCEEDING
(SPP NO. 16-000188)

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

Upon consideration of petitioner The Community Associations of Hualalai's petition for writ of mandamus, filed on October 19, 2016, the amendment, filed on October 22, 2016, the respective supporting documents, and the record, it appears that petitioner is seeking identical relief in SCOT-16-0000690 and, therefore, is not entitled to the requested mandamus relief at this juncture. 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); Barnett v. Broderick, 84 Hawai'i 109, 111, 929 P.2d 1359, 1361 (1996) (a writ of mandamus is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available).

Accordingly,

IT IS HEREBY ORDERED that the petition for writ of mandamus is denied without prejudice.

DATED: Honolulu, Hawai'i, November 4, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

