

Electronically Filed
Supreme Court
SCPW-16-0000818
13-FEB-2017
01:33 PM

SCPW-16-0000818

IN THE SUPREME COURT OF THE STATE OF HAWAII

HUGO PARKER, LLP, EDWARD R. HUGO, ESQ.,
and ANTHONY BENTIVEGNA, ESQ., Petitioners,

vs.

THE HONORABLE RHONDA A. NISHIMURA, Judge of the Circuit Court
of the First Circuit, State of Hawai'i, Respondent Judge,

and

WILLIAM SCHANE and MICHELLE SCHANE, Respondents.

ORIGINAL PROCEEDING
(CIVIL NO. 15-1-0034-01)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS AND/OR PROHIBITION
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of petitioners Hugo Parker, LLP, Edward R. Hugo, Esq., and Anthony Bentivegna, Esq.'s petition for writ of mandamus and/or prohibition, filed on November 18, 2016, the documents submitted in support thereof, and the record, it appears that petitioners are seeking relief in the Intermediate Court of Appeals in CAAP-17-0000016 and fail to demonstrate that they are entitled to the relief requested from this court. 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; 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); 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;" it is not meant to serve as a legal remedy in lieu of normal appellate procedures).

Accordingly,

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

DATED: Honolulu, Hawai'i, February 13, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

