

**Electronically Filed
Supreme Court
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SCPW-17-0000018

IN THE SUPREME COURT OF THE STATE OF HAWAII

GALINA OGEONE, Petitioner,

vs.

THE HONORABLE JEANNETTE CASTAGNETTI, Judge of the Circuit Court
of the First Circuit, State of Hawai'i, Respondent Judge,

and

DENTIST LESLIE AU, Respondent.

ORIGINAL PROCEEDING
(CIV. NOS. 16-1-1347-7 and 16-1-1348-7)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of petitioner Galina Ogeone's petition for writ of mandamus, filed on January 13, 2017, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate that the respondent judge exceeded her jurisdiction or committed a flagrant and manifest abuse of discretion in ruling on the underlying motions or not disqualifying herself from the underlying case. Further, petitioner fails to demonstrate that she has a clear and indisputable right to the requested relief or that she lacks alternative means to seek relief. Petitioner,

therefore, is 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; 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 writ of mandamus is denied.

DATED: Honolulu, Hawai'i, January 27, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

