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Supreme Court
SCPW-18-0000670
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SCPW-18-0000670

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EDWARD WAGNER, Petitioner,

vs.

THE HONORABLE KEITH K. HIRAOKA, Judge of the Circuit Court of the
First Circuit, State of Hawai'i, Respondent Judge,

and

STEPHEN KEAWE ROY; REBECCA ROY; GOVERNMENT EMPLOYEES INSURANCE
CO.; GEICO INSURANCE AGENCY, INC.; TIMOTHY DAYTON; RICHARD DWYER;
and JOHN DORNAN, Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 13-1-2053-07)

ORDER DENYING PETITION FOR WRIT OF PROHIBITION
AND WRIT OF MANDAMUS

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

Upon consideration of petitioner Edward Wagner's
petition for writ of prohibition and writ of mandamus, filed on
August 27, 2018, the documents attached thereto and submitted in
support thereof, and the record, it appears that the respondent
judge complied with the procedure set forth in Grube v. Trader,
142 Hawai'i 412, 420 P.3d 343 (2018) in addressing the sealing
issue, an appeal is pending in the Intermediate Court of Appeals
(CAAP-18-0000613), and petitioner fails to demonstrate that he is

entitled to the requested extraordinary writ. 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); Gannett Pac. Corp. v. Richardson, 59 Haw. 224, 226, 580 P.2d 49, 53 (1978) (a petition for writ of prohibition 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 prohibition and writ of mandamus is denied.

DATED: Honolulu, Hawai'i, October 17, 2018.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

