

**Electronically Filed
Supreme Court
SCPW-19-0000619
16-SEP-2019
01:52 PM**

SCPW-19-0000619

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

JOSE GARFIN FALLE and JOSETTE VEGAFRIA FALLE, Petitioners,

vs.

THE HONORABLE JEANNETTE H. CASTAGNETTI, Judge of the Circuit
Court of the First Circuit, State of Hawai‘i, Respondent Judge,

and

THE BANK OF NEW YORK MELLON FKA BANK OF NEW YORK AS TRUSTEE FOR
THE CERTIFICATEHOLDERS (CWABS2004-04)GI ARM; DIRECTOR, DEPARTMENT
OF TAXATION, STATE OF HAWAI‘I, Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 14-1-1480-06)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioners Jose Garfin Falle and Josette Vegafria Falle’s “Real Emergency Petition for a Writ of Mandamus Enjoining Honorable Judge Jeannette H. Castagnetti from Enforcing a Void Judgment Including Writ of Ejectment,” filed on September 4, 2019, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioners fail to demonstrate that they have a clear and indisputable right to the relief requested from this court and that they lack alternative means to seek relief. Petitioners, therefore, are

not entitled to the requested extraordinary writ. 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 not intended to supersede the legal discretionary authority of the lower court, nor is it intended 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, September 16, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

