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Supreme Court  
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SCPW-17-0000759

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MICHAEL ERIC O'TOOLE and DIANE ZERFUSS O'TOOLE, Petitioners,

vs.

THE HONORABLE MELVIN H. FUJINO, Judge of the Circuit Court of the  
Third Circuit, State of Hawai'i, Respondent Judge,

and

BANK OF NEW YORK MELLON f/k/a The Bank of New York  
Successor Trustee to JPMorgan Chase Bank, N.A., as Trustee  
for the Structured Asset Mortgage Investments II Trust,  
Mortgage Pass-Through Certificates, Series 2006-AR7;  
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., solely as  
nominee for COUNTRYWIDE BANK, N.A.; and JOHN DOES 1-20;  
JANE DOES 1-20; DOE CORPORATIONS 1-20; DOE ENTITIES 1-20;  
and DOE GOVERNMENTAL UNITS 1-20, Respondents.

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ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioners Michael Eric O'Toole  
and Diane Zerfuss O'Toole's petition for writ of mandamus, the  
respective supporting documents, and the record, it appears that  
the requested extraordinary relief is not warranted. 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; it is meant to restrain a judge of an inferior court from acting beyond or in excess of his or her jurisdiction). Accordingly,

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

DATED: Honolulu, Hawai'i, June 25, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

