

**Electronically Filed  
Supreme Court  
SCPW-21-0000038  
26-APR-2021  
11:02 AM  
Dkt. 13 ODDP**

SCPW-21-0000038

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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MARY ANN O. FERNANDES and MARY ANN K. BODE, in her capacity as attorney-in-fact for MARY ANN O. FERNANDES, Petitioners,

vs.

THE HONORABLE RANDAL G.B. VALENCIANO, Judge of the Circuit Court of the Fifth Circuit, State of Hawai‘i, Respondent Judge,

and

ANNETTE HASHIMOTO and ALAN HASHIMOTO, Respondents.

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ORIGINAL PROCEEDING  
(Case No. 5CC1610000099)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioners' petition for writ of mandamus, the documents attached thereto and submitted in support thereof, the supplemental declaration of counsel, and the record, it appears that the circuit court has orally ruled upon the motion to dismiss, which addresses the relief requested in this original proceeding. While the written order formalizing the court's decision has not yet been entered, at this juncture, it does not appear that the requested extraordinary writ is warranted. 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). Accordingly,

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

DATED: Honolulu, Hawai'i, April 26, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

