SCPW-21-0000671

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LUANA GOLDEN AND JALYN GOLDEN, Petitioners,

vs.

THE HONORABLE JOHN M. TONAKI, Judge of the Circuit Court of the
First Circuit, State of Hawai'i, Respondent Judge,

and

CRAIG Y. WATASE DBA MARK DEVELOPMENT INC., Respondent.

ORIGINAL PROCEEDING
(CASE NO. 1CCV-20-0000991)

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

Upon consideration of Petitioners Luana Golden and
Jalyn Golden's petition for writ of mandamus, filed on
November 24, 2021, and the record, petitioners fail to
demonstrate a clear and indisputable right to relief and have
alternative means to seek relief, including filing a renewed
motion for default in compliance with Rule 7 of the Rules of the
Circuit Court of the State of Hawai'i. Based on the record, it
cannot be said that the respondent judge exceeded his
jurisdiction, committed a flagrant and manifest abuse of

discretion, or refused to act on a matter in presiding over the case. Petitioners, therefore, are not entitled to the requested extraordinary writ. See Kema v. Gaddis, 91 Hawaiʻi 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 meant to restrain a judge of an inferior court who 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 ordered that the petition for writ of mandamus is denied.

DATED: Honolulu, Hawaiʻi, December 6, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins