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SCPW-23-000072

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PAUL A. GARCIA and KIRAH-SHANTEL GARCIA, Petitioners,

vs.

THE HONORABLE KATHLEEN N.A. WATANABE,
Judge of the Circuit Court of the Fifth Circuit,
State of Hawai'i, Respondent Judge.

ORIGINAL PROCEEDING
(CASE. NO. 5CC151000158)

ORDER DENYING PETITION

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

Upon consideration of the February 14, 2023 submission from Paul Garcia, on behalf of the Defendants in 1900 Capital Trust III, et al v. Garcia, 5CC151000158, we construe the submission as a petition for a writ of mandamus from this court for interlocutory review of the proceedings in the Fifth Circuit Court and conclude that the Petitioners have failed to demonstrate a right to such review. We further conclude that the record does not support the conclusion that the Respondent Judge has exceeded her jurisdiction, has committed a flagrant and

manifest abuse of discretion, or has refused to act on a subject properly before the court in which the judge is subject to a legal duty to act. See State ex rel. Kaneshiro v. Huddy, 82 Hawai'i 188, 193, 921 P.2d 108, 113 (1996). Finally, alternate remedies exists in both the Circuit Court and upon a filing of an appeal, pursuant to Rules 59(e), 60(b), 62(b), 62(d), and 62(g) of the Hawai'i Rules of Civil Procedure and Rules 3 and 4 of the Hawai'i Rules of Appellate Procedure. See Straub Clinic & Hospital v. Kochi, 81 Hawai'i 410, 414, 917 P.2d 1284, 1288 (1996). Therefore,

It is ordered that the petition is denied.

DATED: Honolulu, Hawai'i, February 21, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

