

**Electronically Filed
Supreme Court
SCPW-23-0000463
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SCPW-23-0000463

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

CELESTE M. GONSALVES, Petitioner,

vs.

THE HONORABLE KARIN L. HOLMA,
Judge of the District Court of the First Circuit,
State of Hawai‘i, Respondent Judge,

and

JEAN M. ORQUE, Respondent.

ORIGINAL PROCEEDING
(1DSC-23-0000434)

ORDER GRANTING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., McKenna, and Eddins, JJ.,
Circuit Judge Kawano and Circuit Judge Kawashima,
assigned by reason of vacancies)

Upon consideration of the petition, Respondent’s answer to the petition, Petitioner’s reply, and the record, this court is satisfied that Petitioner has met the service required by Hawai‘i Revised Statutes § 633-28(a)(2) (2016) and Rules of the Small Claims Division of the District Courts (RSCD) Rule 3(c). See

RSCD Rule 1 (stating that the RSCD shall be construed to secure the just, speedy, and inexpensive determination of every action); RSCD Rule 9 ("The court shall not be bound by rules of evidence except provisions relating to privileged communications."); see also Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (mandamus standard).

The evidence reflects that someone signed the certified mail receipt as the addressee within the first judicial circuit and Respondent has been appearing for the hearings, including the first hearing on June 30, 2023.

It is ordered that the petition is granted and a writ shall issue requiring the Respondent Judge, or any presiding judge of the Small Claims Division of the District Court of the First Circuit, to move 1DSC-23-0000434 beyond the service issue, including setting for trial if necessary.

DATED: Honolulu, Hawai'i, December 7, 2023.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Kelsey T. Kawano

/s/ James S. Kawashima

