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Supreme Court
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SCWC-22-0000591

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ESTATE OF VIVIAN T. LORD, by her PERSONAL REPRESENTATIVE
WILLIAM H. GILLIAM; and WILLIAM H. GILLIAM individually,
Petitioners/Plaintiffs-Appellants,

vs.

LESLIE KOBATA, REGISTRAR, in his
official capacity only; PORTER McGUIRE KIAKONA & CHOW, LLP;
PORTER McGUIRE KIAKONA, LLP; FOREST B. JENKINS;
CHONG, NISHIMOTO, SIA, NAKAMURA & GOYA, LLLP; JEFFREY H.K. SIA;
DOROTHY P.H. MEISNER; SHANA MAGUIRE; HAWAII FIRST, INC.;
CERTIFIED MANAGEMENT, INC., dba ASSOCIA, HAWAII; and
ASSOCIATION OF APARTMENT OWNERS OF KUHIO SHORES AT POIPU,
Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-22-0000591; CIV. NO. 1CCV-22-0000508)

ORDER

(By: Recktenwald, C.J., McKenna, and Eddins, JJ.,
Circuit Judge Castagnetti, in place of Nakayama, J., recused,
and Circuit Judge Souza, in place of Wilson, J., recused)

Upon consideration of the document filed on February
21, 2023, it is ordered:

1. The application for a writ of certiorari is
rejected.

2. The petition for a writ of mandamus or prohibition is denied. Petitioners have alternative means to seek relief because 1CCV-22-0000508 is ongoing and the vexatious litigant order and order addressing attorney fees and costs may be reviewed on appeal. Petitioners have also not demonstrated a clear and indisputable right to relief because it is within the circuit court's jurisdiction and discretion to decide the motion for attorney fees and costs. An extraordinary writ is thus not warranted. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (1999); Honolulu Advertiser, Inc. v. Takao, 59 Haw. 237, 241-42, 580 P.2d 58, 62 (1978).

3. The request for a stay is denied. If and when appropriate, Petitioners may seek a stay in the circuit court pursuant to Hawai'i Rules of Civil Procedure Rule 62 and Hawai'i Rules of Appellate Procedure Rule 8.

DATED: Honolulu, Hawai'i, April 18, 2023.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Jeannette H. Castagnetti

/s/ Kevin A.K. Souza

