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Supreme Court
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SCPW-12-0000923

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

BARBARA ELLEN SHERRILL,
Petitioner,

vs.

THE HONORABLE DERRICK H.M. CHAN,
Judge of the First Circuit Court, State of Hawai‘i,
Respondent.

ORIGINAL PROCEEDING
(CAAP-12-0000676; PROBATE NO. 10-1-0254)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, McKenna, and Pollack, JJ., and
Circuit Judge Nacino, in place of Acoba, J., recused)

Upon consideration of petitioner Barbara Ellen Sherrill's petition for a writ of mandamus, which was filed on October 29, 2012, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner has failed to demonstrate that she has a clear and indisputable right to the relief she seeks and a lack of alternative means to obtain such relief. Petitioner, therefore, is not entitled to mandamus relief. See Kema v. Gaddis, 91 Hawai‘i 200, 204, 982 P.2d 334,

338 (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 writs are not intended to supersede the legal discretionary authority of the lower courts, nor are they intended to serve as legal remedies in lieu of normal appellate procedure). Accordingly,

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

DATED: Honolulu, Hawai'i, November 30, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Edwin C. Nacino

