

**Electronically Filed
Supreme Court
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SCPW-13-0002892

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DENISE ESPINOZA, Petitioner,

vs.

DISTRICT COURT OF THE FIRST CIRCUIT,
HONOLULU DIVISION, Respondent.

ORIGINAL PROCEEDING
(Case No. 1P1090009388)

ORDER DENYING "APPELLANT DENISE ESPINOZA'S EMERGENCY
MOTION FOR WRIT OF MANDAMUS; PRO[H]IBITION; PRE[E]MPTORY;
WARRANT FOR ARREST" AND "APPELLANT DENISE ESPINOZA'S
MOTION FOR STAY OF PROCEEDINGS"

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of the document submitted by petitioner Denise Espinoza entitled "Appellant Denise Espinoza's Emergency Motion for Writ of Mandamus: Pro[h]ibition; Pre[e]mptory; Warrant for Arrest" and "Appellant Denise Espinoza's Motion for Stay of Proceedings", which was filed as a petition for a writ of mandamus on August 15, 2013, and the record, it appears that petitioner does not have a clear and indisputable right to the requested relief and has alternative

means to obtain relief. Petitioner, therefore, is not entitled to a writ of mandamus. See Kema v. Gaddis, 91 Hawai'i 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). Accordingly,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for a writ of mandamus without payment of the filing fee.

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

DATED: Honolulu, Hawai'i, August 27, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

