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Supreme Court
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SCPW-13-0005089

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DISTRICT COUNCIL 50 OF THE INTERNATIONAL UNION OF PAINTERS AND
ALLIED TRADES and ALOHA GLASS SALES & SERVICE, INC.,
Petitioners,

vs.

KEALI'I S. LOPEZ, in her capacity as Director,
Department of Commerce and Consumer Affairs, Respondent.

ORIGINAL PROCEEDING
(SCWC-28762)

ORDER DENYING PETITION FOR WRIT OF
PROHIBITION OR WRIT OF MANDAMUS

(By: Nakayama, Acting C.J., McKenna, J., and Circuit Judge Kim,
in place of Recktenwald, C.J., recused, Circuit Judge To'oto'o,
in place of Acoba, J., recused, and Circuit Court Sakamoto
in place of Pollack, J., recused)

Upon consideration of petitioners District Council 50,
of the International Union Painters and Allied Trades and Aloha
Glass Sales & Service, Inc.'s petition for a writ of prohibition
or a writ of mandamus, filed on November 6, 2013, the documents
attached thereto and submitted in support thereof, and the
record, it appears that petitioners have alternative means to
seek relief from the State of Hawai'i Contractors License Board's

interpretation of this court's opinion in District Council 50 et al. v. Lopez, 129 Hawai'i 281, 298 P.3d 1045 (2013).

Petitioners, therefore, are not entitled to extraordinary relief. 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); Honolulu Adv., Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of prohibition "is an extraordinary remedy . . . to restrain a judge of an inferior court from acting beyond or in excess of his jurisdiction" and is not meant to serve as a legal remedy in lieu of normal appellate procedures).

Accordingly,

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

DATED: Honolulu, Hawai'i, January 8, 2014.

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Glenn J. Kim

/s/ Fa'auuga To'oto'o

/s/ Karl K. Sakamoto

