

**Electronically Filed
Supreme Court
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SCPW-13-0005254

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LILY TAI NOMURA; ALOHA RAINBOW INVESTMENTS, INC.;
LONG LIFE FOUNDATION; RICHARD LEE; JOHN DOES 1-50;
JANE DOES 1-50; DOE PARTNERSHIPS 1-50; DOE CORPORATIONS 1-50;
DOE ENTITIES 1-50; and DOE GOVERNMENTAL UNITS 1-50,
Petitioners,

vs.

THE HONORABLE KAREN T. NAKASONE, JUDGE OF THE CIRCUIT
COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I,
Respondent Judge,

and

ASSOCIATION OF APARTMENT OWNERS OF CENTURY CENTER, INC.,
by and through its Board of Directors, and PORTER MCQUIRE
KIAKONA & CHOW, LLP,
Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 13-1-1809-06)

ORDER DENYING PETITION FOR WRIT OF PROHIBITION
(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of petitioners Richard Lee and Lily
Tai Nomura's petition for a writ of prohibition, filed on
November 14, 2013, the documents submitted in support thereof,
and the record, it appears that there are alternative means to

seek the relief requested in the petition and petitioners fail to demonstrate that the respondent judge has acted beyond or in excess of her jurisdiction in presiding over the underlying case. Petitioners, therefore, are not entitled to the extraordinary remedy of a writ of prohibition. See 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"); Gannett Pac. Corp. v. Richardson, 59 Haw. 224, 226, 580 P.2d 49, 53 (1978) (a writ of prohibition is not meant to serve as a legal remedy in lieu of normal appellate procedures; rather, it is available in "rare and exigent circumstances" where "allow[ing] the matter to wend its way through the appellate process would not be in the public interest and would work upon the public irreparable harm").

Accordingly,

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

DATED: Honolulu, Hawai'i, December 6, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

