

**Electronically Filed
Supreme Court
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SCPW-13-0006068

IN THE SUPREME COURT OF THE STATE OF HAWAII

CONTINENTAL PACIFIC, LLC by their Managing Agent, ELITE
PACIFIC PROPERTIES, LLC, Respondent,

vs.

THE HONORABLE BARBARA RICHARDSON, JUDGE OF THE
DISTRICT COURT OF THE FIRST CIRCUIT, Respondent Judge,

and

JOHN WESLEY ERRETT and KAY ANNE KROEHLER, Petitioners.

ORIGINAL PROCEEDING
(CIV. NO. 1RC13-1-6195)

ORDER (1) DENYING PETITION FOR WRIT OF MANDAMUS,
AND (2) DENYING AS MOOT EX PARTE MOTION TO
SHORTEN TIME TO HEAR THE WRIT OF MANDAMUS

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

On December 12, 2013, petitioners John Wesley Errett and Kaye Anne Kroehler filed two documents in this court - (1) "Issuance of Writ of Mandamus to Judge Barbara Richardson to Stay Destruction of Video Tape Evidence of Alleged Feloneous Conduct", and (2) "Ex Parte Motion to Shorten Time to Hear the Writ of Mandamus".

Upon consideration of the document entitled "Issuance of Writ of Mandamus to Judge Barbara Richardson to Stay

Destruction of Video Tape Evidence of Alleged Feloneous Conduct”, which we review as a petition for a writ of mandamus, and the record, it appears that the petition lacks the detail necessary to support the requested mandamus relief. Petitioners fail to demonstrate that they have a clear and indisputable right to the relief they request and that they lack alternative means to seek relief. Under these circumstances, the issuance of an extraordinary writ is not warranted at this time. 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). Accordingly,

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

In light of the denial of the petition for a writ of mandamus, IT IS HEREBY FURTHER ORDERED that the “Ex Parte Motion to Shorten Time to Hear the Writ of Mandamus” is denied as moot.

DATED: Honolulu, Hawai‘i, December 13, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

