

NO. 24690

IN THE SUPREME COURT OF THE STATE OF HAWAII

PROTECT PUAKO, Petitioner,

vs.

COUNTY OF HAWAII; BRIDGE PUAKO, LLC;
and DOES 1-10, Respondents.

ORIGINAL PROCEEDING
(Civ. No. 00-1-0279)

ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon consideration of Petitioner Protect Puako's petition for a writ of mandamus and the papers in support, it appears that: (1) Petitioner is seeking review of rulings issued in Protect Puako v. County of Hawaii, Civil No. 00-1-4279, presently pending in the Circuit Court of the Third Circuit; (2) A writ of mandamus 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. State v. Hamili, 87 Hawai'i 102, 104, 952 P.2d 3900, 392 (1998); (3) A writ of mandamus is not intended to take the place of an appeal; and (4) Petitioner fails to demonstrate that it is entitled to a writ of mandamus. Therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied without prejudice to any remedy Petitioner may have in the pending circuit court proceedings and without

prejudice to any remedy Petitioner may have by way of appeal from any adverse judgment.

DATED: Honolulu, Hawai'i, December 5, 2001.