

NO. 25112

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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WOLFGANG EISERMANN, Petitioner,

vs.

THE HONORABLE VIRGINIA LEA CRANDALL, JUDGE OF THE  
CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I,  
and DONALD WILKERSON, Respondents.

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ORIGINAL PROCEEDING  
(Civ. No. 00-1-0526)

ORDER

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

Upon consideration of Petitioner Wolfgang Eisermann's writ of mandamus, the papers in support, and the records and files herein, it appears that: (1) Petitioner is seeking a writ directing the respondent judge to enter a default judgment against Donald Wilkerson in Eisermann v. Wilkerson, Civil No. 00-1-0526-02, pending in the Circuit Court of the First Circuit; (2) Petitioner also contends that the respondent judge failed to enter a written order on the October 1, 2001 minute order denying a petition for motion for default; (3) Petitioner fails to demonstrate that he is entitled to a writ of mandamus directing the respondent judge to enter a default judgment; (4) On September 5, 2002, the respondent judge entered an order denying without prejudice the petition for a motion for default; and (5) Petitioner can seek any further relief in the pending circuit court case. Therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied without prejudice to Petitioner seeking any further relief in the circuit court and without prejudice to any remedy Petitioner may have by way of appeal from any adverse judgment.

DATED: Honolulu, Hawai'i, September 24, 2002.