

NO. 26553

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MELINDA L. CHEE,
Plaintiff-Petitioner,

vs.

ALLENE R. SUEMORI, Judge,
Family Court of the First Circuit, Respondent,
KEVIN SUN WAI CHEE, Defendant-Respondent,

and

KIMBERLY TOWLER, Custody Guardian Ad Litem-Respondent.

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of Petitioner Melinda L. Chee's letters dated April 20, 2004, April 27, 2004, and April 29, 2004 wherein she asks the court for a "Writ of Superintending Control" and which were filed and considered as a petition for a writ of mandamus or prohibition directed to a judge, the papers in support, and the records and files herein, it appears that: (1) Petitioner is seeking review of rulings issued by the family court in Chee v. Chee, FC-D 95-1599, presently pending in the Family Court of the First Circuit, and asks this court to exercise supervisory jurisdiction over the family court; (2) a writ of mandamus or prohibition is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of other means to redress adequately the alleged wrong or to obtain the requested action, and such writs are not meant to supersede the legal discretionary

authority of the lower courts or to serve as legal remedies in lieu of normal appellate procedures. Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (citing Straub Clinic & Hospital v. Kochi, 81 Hawai'i 410, 414, 917 P.2d 1284, 1288 (1994)); (3) review of the family court record shows that Petitioner is represented by counsel; (4) according to the family court minutes entered after a hearing on June 4, 2004, the family court indicated that it would consider a motion and schedule a hearing to resolve remaining issues raised by Petitioner; (5) inasmuch as the family court case is ongoing and the family court is considering the issues presented by Petitioner in her letters to the supreme court, Petitioner presents no valid reason for the supreme court to exercise its supervisory jurisdiction at this time; and (6) Petitioner has a remedy by way of appeal from any adverse judgment or order entered in post divorce proceedings. Therefore,

IT IS HEREBY ORDERED that Petitioner's request for a "Writ of Superintending Control" is denied without prejudice to Petitioner presenting any issues in the family court proceeding and without prejudice to any remedy Petitioner may have by way of appeal.

DATED: Honolulu, Hawai'i, July 15, 2004.

Melinda L. Chee,
petitioner *pro se*,
on the writ