

NO. 27678

IN THE SUPREME COURT OF THE STATE OF HAWAII

DAMON SCHMIDT, Petitioner/Defendant-Appellant

vs.

THE JUDGES OF THE THIRD CIRCUIT COURT OF THE STATE OF
HAWAII, and ALFRED P. LERMA, JR., Court-Appointed
Foreclosure Commissioner, Respondents

and

BUENA VISTA INVESTORS, LLC, a Hawai'i limited liability company,
Real Party in Interest/Plaintiff-Appellee

ORIGINAL PROCEEDING
(CIV. NO. 03-1-0097K)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of Petitioner Damon Schmidt's petition for a writ of mandamus, the papers in support, and the records and files herein, it appears: (1) Petitioner is seeking review of rulings issued by the respondent judges in Buena Vista Investors, LLC v. Schmidt, Civil No. 03-1-0097K, (2) Petitioner has a pending appeal from the judgment entered in Buena Vista Investors, LLC v. Schmidt, docketed as Appeal No. 27479; and (3) a writ of mandamus is not intended to serve as a legal remedy in

EM. MANDAMUS
CLERK, APPELLATE DIVISION
STATE COURT OF HAWAII

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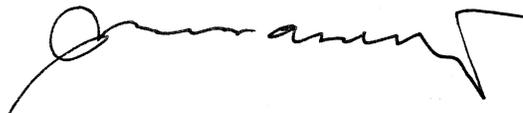
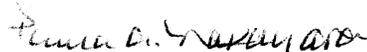
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lieu of normal appellate procedures. Kema v. Gaddis, 91 Hawai'i
200, 204, 982 P.2d 334, 338 (1999) (citation omitted). Therefore,

IT IS HEREBY ORDERED that the petition is denied.

DATED: Honolulu, Hawai'i, January 27, 2006.

Gary Victor Dubin
for petitioner/defendant-
appellant on the writ



Kamon E. Duggan, Jr.