

NO. 27777

IN THE SUPREME COURT OF THE STATE OF HAWAII

EM. RINANDO
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STATE OF HAWAII

2006 MAR 29 PM 1:30

FILED

ALICE P. CLAY, Petitioner

vs.

THE HONORABLE SABRINA S. MCKENNA, Judge of the Circuit Court of the First Circuit, State of Hawai'i; STATE OF HAWAII, LLOYD JAMES HOCHBERG, JR.; STANTON CLAY CHAPMAN CRUMPTON & IWAMURA; GERALD S. CLAY; ROBERT E. CHAPMAN; SCOTT I. BATTERMAN and DOE DEFENDANTS 1-20, Respondents

ORIGINAL PROCEEDING
(CIV. NO. 05-1-1720)

ORDER

(By: Duffy, J. for the court¹)

Upon consideration of Petitioner Alice P. Clay's application for a writ of mandamus, the papers in support, and the records and files herein, it appears: (1) Petitioner is seeking review of the November 29, 2005 order granting disqualification of Petitioner's attorney in Clay v. Hochberg, Civil No. 05-1-1720, and the January 23, 2006 order denying a motion for reconsideration; and (2) this court has determined that a petition for a writ of mandamus and/or prohibition is an appropriate way to review an order of disqualification. See Straub Clinic & Hospital v. Kochi, 81 Hawai'i 410, 917 P.2d 1284 (1996); Chuck v. St. Paul Fire and Marine Insurance Co., 61 Haw. 552, 606 P.2d 1320 (1980). Therefore,

¹ Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

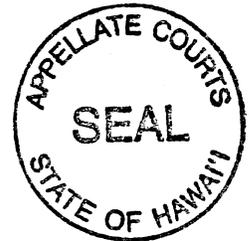
IT IS HEREBY ORDERED that, pursuant to HRAP Rule 21(c) the respondents shall file an answer to the petition for a writ of mandamus within thirty days from the date of this order. Petitioner may file a supplemental memorandum or other supplemental material within the time provided. Pursuant to HRAP Rule 21(c), the respondent judge may elect not to appear.

DATED: Honolulu, Hawai'i, March 29, 2006.

FOR THE COURT:

Kamae C. Dubbs, Jr.

Associate Justice



Rory Soares Toomey
for petitioner on the
writ