

NO. 28502

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ICE CREAM DREAMS, LLC, Petitioner,

vs.

THE HONORABLE VICTORIA S. MARKS,
JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT
Respondent,

and

THE ISLANDS ICE CREAM COMPANY I, LLC; LEONARD RYDER;
KAREN KOZEN-RYDER; and COLD STONE CREAMERY, INC.,
Real Parties in Interest.NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 APR 30 PM 2:52

FILED

ORIGINAL PROCEEDING
(CIV. NO. 07-1-0028)ORDER

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

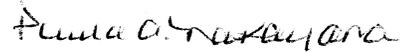
Upon consideration of the petition for a writ of mandamus filed by petitioner Ice Cream Dreams, LLC and the papers in support, it appears that the April 9, 2007 order dismissing Civil No. 07-1-0028 is forthwith appealable upon entry of a final judgment thereon and petitioner has an adequate remedy by way of appeal. Therefore, petitioner is not entitled to mandamus relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of mandamus is an extraordinary remedy that 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. Such writs are not intended to supersede the legal

discretionary authority of the lower courts, nor are they intended to serve as legal remedies in lieu of normal appellate procedures.). Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, April 30, 2007.

Paul Alston
and Peter Knapman
for petitioner



James E. Duffy, Jr.