

NO. 29244

IN THE SUPREME COURT OF THE STATE OF HAWAII

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STATE OF HAWAII

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FILED

KELLEY WOODRUFF, M.D. and
HAWAII CHILDREN'S BLOOD AND CANCER GROUP, Petitioners,

vs.

THE HONORABLE BERT I. AYABE, JUDGE OF THE
CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII;
HAWAII PACIFIC HEALTH; KAPI'OLANI MEDICAL SPECIALISTS;
KAPI'OLANI MEDICAL CENTER FOR WOMEN AND CHILDREN;
ROGER DRUE; FRANCES A. HALLONQUIST; NEAL WINN, M.D.;
SHERREL HAMMAR, M.D.; DELOITTE & TOUCHE, LLP; and
DENNIS M. WARREN, ESQ., Respondents.

ORIGINAL PROCEEDING
(CIVIL NO. 02-1-0090)

ORDER

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

Upon consideration of the petition for a writ of mandamus and motion to stay Civil No. 02-1-0090 filed by petitioners Kelley Woodruff, M.D. and Hawaii Children's Blood and Cancer Group and the papers in support, it appears that the standard for granting mandamus relief from a pretrial discovery ruling is not applicable to petitioners' case inasmuch as Civil No. 02-1-0090 has already been litigated on the merits by summary judgment. The respondent judge's rulings are forthwith appealable upon entry of a final judgment in Civil No. 02-1-0090 and petitioners have an adequate remedy by way of appeal. Therefore, petitioners are 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 and the motion to stay Civil No. 02-1-0090 are denied.

DATED: Honolulu, Hawai'i, July 29, 2008.



Paula D. Nakayama



Karros E. Duggan, Jr.