

NO. 29327

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STOP RAIL NOW, LET HONOLULU VOTE, LEAGUE OF WOMEN
VOTERS OF HONOLULU, SENSIBLE TRAFFIC ALTERNATIVES &
RESOURCES, INC. dba HONOLULU TRAFFIC.COM, PAUL DE GRACIA,
PAUL E. SMITH, ROBERT KESSLER, WARREN P. BERRY,
JEREMY LAM, M.D., SCOTT R. WILSON, DENNIS CALLAN,
and SAMUEL SLOM, Petitioners,

vs.

THE HONORABLE KARL K. SAKAMOTO, JUDGE OF THE
CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I
and DENISE C. DE COSTA, in her capacity as CITY CLERK
OF THE CITY AND COUNTY OF HONOLULU, Respondents.

K. HANAKO
CLERK
STATE OF HAWAII
COURTS

2008 SEP -3 PM 1:29

FILED

ORIGINAL PROCEEDING
(CIV. NO. 08-1-1605)

ORDER

(By: Moon, C.J., Levinson, Nakayama, and Duffy, JJ., and
Intermediate Court of Appeals Judge Nakamura,
in place of Acoba, J., recused)

Upon consideration of the petition for a writ of
mandamus filed by petitioners Stop Rail Now, Let Honolulu Vote,
League of Women Voters of Honolulu, Sensible Traffic Alternatives
& Resources, Inc., Paul De Gracia, Paul E. Smith, Robert Kessler,
Warren P. Berry, Jeremy Lam, M.D., Scott R. Wilson, Dennis
Callan, and Samuel Slom and the papers in support, we conclude
that Petitioners have not demonstrated that they are entitled to
mandamus relief. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982
P.2d 334, 338-39 (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.). Accordingly,

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

DATED: Honolulu, Hawai'i, September 3, 2008.

[Handwritten signature]

Steven H. Levinson

Faula C. Takayama

Kanao E. Dubby, Jr.

Clyde H. Nakamura