NO. 28383

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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FILED
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STATE OF HAWAII

GLENN KIYOHIKO MIZUKAMI, Petitioner/Defendant-Appellant,

vs.

DONNA EDWARDS MIZUKAMI, nka DONNA EDWARDS,
Respondent/Plaintiff-Appellee.

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-D NO. 90-4214)

ORDER DENYING MOTION FOR CLARIFICATION
(By: Moon, C.J., for the court[1])

Upon consideration of petitioner/defendant-appellant Glenn Kiyohiko Mizukami's motion for clarification, filed on August 24, 2009,

IT IS HEREBY ORDERED that the motion for clarification is denied.[2]

DATED: Honolulu, Hawai'i, September 9, 2009.

FOR THE COURT:

Chief Justice

APPELLATE COURTS SEAL STATE OF HAWAII

[1] Considered by: Moon, C.J., Nakayama, Acoba, and Duffy, JJ., and Circuit Judge Hifo, in place of Recktenwald, J., recused.

[2] It may be noted that (1) Associate Justice Mark E. Recktenwald was on the intermediate court of appeals' merit panel that decided petitioner's case; (2) Associate Justice Paula A. Nakayama served temporarily as acting chief justice on August 17, 2009 due to the absence of the Chief Justice; see Hawai'i Constitution, article VI, section 2; HRS § 602-3 (1993); and (3) Circuit Judge Eden E. Hifo was assigned as substitute justice by random draw from the available pool of all circuit judges; see Hawai'i Constitution, article VI, section 2; HRS § 602-10 (Supp. 2008). See Hawai'i Revised Code of Judicial Conduct Rule 2.1(a) ("Subject to the rule of necessity, a judge shall disqualify or recuse himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned[.]"); see also HRS § 601-7(a)(2) (Supp. 2008) (stating, in pertinent part, that "[n]o person shall sit as a judge in any case in which[] . . . an appeal [is] from any decision or judgment rendered by the judge").