

NO. 29724

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

 CAROL JEAN HIMALAYA-FIDELE, Petitioner,

vs.

 THE HONORABLE KAREN N. BLONDIN, JUDGE OF THE CIRCUIT
 COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I and
 WELLS FARGO BANK, N.A. AS TRUSTEE FOR OPTION ONE
 MORTGAGE LOAN TRUST 2007-CP1 ASSET-BACKED
 CERTIFICATES, SERIES 2007-CP1, Respondents.

 ORIGINAL PROCEEDING
 (CIVIL NO. 08-1-1478)
ORDER
 (By: Moon, C.J., Nakayama, Acoba, and Duffy, JJ. and
 Intermediate Court of Appeals Judge Watanabe,
 assigned by reason of vacancy)

Upon consideration of the petition for a writ of prohibition filed by petitioner Carol Jean Himalaya-Fidele and the papers in support, it appears that the granting and entry of a writ of ejectment is immediately appealable pursuant to HRS § 641-1(a) (Supp. 2008). See Penn v. Transportation Lease Haw., Ltd., 2 Haw. App. 272, 274, 630 P.2d 646, 649 (1981); Ciesla v. Reddish, 78 Hawai'i 18, 889 P.2d 702 (1995). Petitioner can appeal from a writ of ejectment and can seek a stay of the writ pending appeal pursuant to HRAP 8. Thus, petitioner is not entitled to extraordinary relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of prohibition 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,

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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 prohibition is denied.

DATED: Honolulu, Hawai'i, April 20, 2009.



Kuni A. Nakayama



James E. Duddy, Jr.

Corinne K. Watahala