

NO. 29830

IN THE SUPREME COURT OF THE STATE OF HAWAII

NATASHA ANELA VIMAHI and LUSEANE ENITI VIMAHI, Petitioners,

vs.

THE HONORABLE KAREN N. BLONDIN, JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII and DIRECTOR OF PUBLIC SAFETY, STATE OF HAWAII, Respondents.

ORIGINAL PROCEEDING
(CIVIL NO. 08-1-1788)

ORDER

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

Upon consideration of the petition for a writ of mandamus or prohibition filed by petitioners Natasha Anela Vimahi and Luseane Eniti Vimahi and the papers in support, it appears that the circuit court and the intermediate court of appeals denied petitioners a stay of the writ of ejectment pending disposition of petitioners' motion for reconsideration, not pending disposition of petitioners' appeal. Petitioners' motion to stay the writ of ejectment pending appeal is pending before the circuit court and petitioners have not filed a motion to stay the writ of ejectment pending appeal with the intermediate court of appeals. Therefore, petitioners are not entitled to extraordinary relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of mandamus and/or 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

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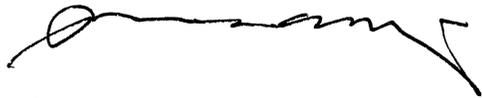
lower courts, nor are they intended to serve as legal remedies in lieu of normal appellate procedures.). Accordingly,

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

DATED: Honolulu, Hawai'i, June 2, 2009.



Pama A. Takayama



James E. Dally, Jr.

Man E. Neumann