

NO. 30215

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WAIEHU AINA, LLC, Petitioner,

vs.

THE HONORABLE SHACKLEY F. RAFFETTO, JUDGE OF THE CIRCUIT
COURT OF THE SECOND CIRCUIT, STATE OF HAWAI'I;
KURO KANG KAO; and HSIU MEI CHANG, Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 09-1-0046)

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioner Waiehu Aina, LLC and the papers in support, it appears that the August 6, 2009 interlocutory decree of foreclosure is reviewable on appeal from a final judgment entered in Civil No. 09-1-0046. Petitioner can appeal from the final judgment and can seek a stay of the foreclosure pending appeal pursuant to HRAP 8. Therefore, petitioner is 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 is denied.

DATED: Honolulu, Hawai'i, December 16, 2009.