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Supreme Court
SCPW-21-0000367
28-JUN-2021
02:24 PM
Dkt. 12 ODDP

SCPW-21-0000367

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

BENTLEY C. ADAMS, III, Petitioner,

vs.

THE HONORABLE RANDAL G.B. VALENCIANO, Judge of the Circuit Court
of the Fifth Circuit, State of Hawai‘i, Respondent Judge.

ORIGINAL PROCEEDING
(Case No. 5CSP-20-0000009)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

Upon consideration of petitioner Bentley C. Adams’s petition for writ of mandamus, filed on June 14, 2021, the supplemental filings, the respective supporting documents, and the record, petitioner fails to demonstrate that he has a clear and indisputable right to the requested relief or that the respondent judge has flagrantly and manifestly abused his discretion in requiring individuals to wear facial coverings while entering and remaining in the fifth circuit courthouse.

See Centers for Disease Control and Prevention, Interim Public Health Recommendations for Fully Vaccinated People, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html> (updated May 28, 2021) (“Fully vaccinated people can: [r]esume activities without wearing masks or physically

distancing, except where required by federal, state, local, tribal, or territorial laws, rules and regulations, including local business and workplace guidance[.]"); Governor David Ige's "Twenty-First Proclamation Related to the COVID-19 Emergency (dated June 7, 2021); "Fifth Amended Order Regarding Entering Judiciary Facilities," filed in SCMF-20-0000152 on June 15, 2021. Petitioner, therefore, is not entitled to the requested extraordinary writ. 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; such a writ is meant to restrain a judge of an inferior court who has exceeded his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances in which he or she has a legal duty to act). Accordingly,

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

DATED: Honolulu, Hawai'i, June 28, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

