

**Electronically Filed  
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SCPW-24-0000537

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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HAWAI'I POLICE DEPARTMENT, COUNTY OF HAWAI'I,  
Petitioner,

vs.

THE HONORABLE PETER K. KUBOTA,  
Judge of the Circuit Court of the Third Circuit,  
State of Hawai'i, Respondent Judge,

and

ALBERT IAN SCHWEITZER and SHAWN SCHWEITZER,  
Respondents.

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ORIGINAL PROCEEDING  
(CASE NOS. 3CSP-23-0000003 and 3CSP-23-0000017)

ORDER

(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, and Devens, JJ.)

Upon consideration of the petition for writ of mandamus and motion for stay, both filed on August 7, 2024, and the record, it is ordered:

1. It appears that on August 5, 2024, Respondent Judge orally denied the Hawai'i Police Department's motion to quash subpoena duces tecum served August 1, 2024. Within seven

calendar days from the date of this order (August 15, 2024), Respondent Judge shall file an order denying Petitioner's motion to quash in 3CSP-23-0000003 and 3CSP-23-0000017. A copy of the order shall also be filed in this original proceeding within the same time.

2. Respondents shall file an answer to the petition within seven calendar days after the Respondent Judge's order denying the motion to quash is filed in this original proceeding. Respondent Judge may file an answer to the petition within the same time.

3. Compliance with the subpoena duces tecum issued to Petitioner in both 3CSP-23-0000003 and 3CSP-23-0000017 shall be stayed pending this court's consideration of the petition for writ of mandamus.

4. Petitioner shall expeditiously supplement the record of this original proceeding with the transcripts of the circuit court hearings held on July 30, August 5, and August 7, 2024.

5. The appellate clerk shall serve a copy of this order on Respondents, the Respondent Judge, and Attorney General.

DATED: Honolulu, Hawai'i, August 8, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

