



RALPH DLG. TORRES
Governor

ARNOLD I. PALACIOS
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

30 OCT 2019

The Honorable Blas Jonathan "BJ" T. Attao
Speaker, House of Representatives
Twenty-First Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

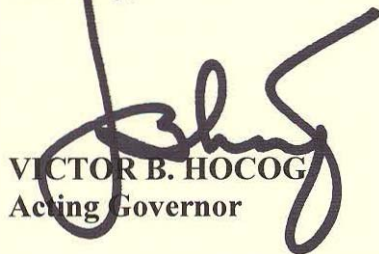
The Honorable Jude U. Hofschneider
Acting Senate President, The Senate
Twenty-First Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. Acting President:

This is to inform you that I have signed into law **House Bill No. 21-26**, entitled, "To require vexatious litigants to get the approval of a judge before they could file any lawsuits in the future; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-First Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 21-11**. Copies bearing my signature are forwarded for your reference.

Sincerely,



VICTOR B. HOCOG
Acting Governor

cc: Governor; Lt. Governor; Press Secretary; CNMI Superior Court; CNMI Supreme Court; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



House of Representatives

TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. Box 500586

SAIPAN, MP 96950

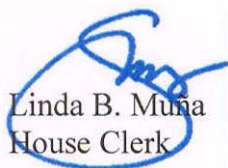
September 30, 2019

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 21-26**, entitled: "To require vexatious litigants to get the approval of a judge before they could file any lawsuits in the future; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-First Northern Marianas Commonwealth Legislature.

Sincerely yours,



Linda B. Muna
House Clerk

Attachment



Twenty-First Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

MARCH 12, 2019

REPRESENTATIVE JANET U. MARATITA of Saipan, Precinct I (*for herself*; Representatives John Paul P. Sablan,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 21-26

AN ACT

TO REQUIRE VEXATIOUS LITIGANTS TO GET THE APPROVAL OF A JUDGE BEFORE THEY COULD FILE ANY LAWSUITS IN THE FUTURE; AND FOR OTHER PURPOSES.


The Bill was referred to the House Committee on Judiciary and Governmental Operations.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, JULY 18, 2019;
without amendments and transmitted to the
THE SENATE.**

The Bill was referred to the Senate Committee on Judiciary, Government, Law and Federal Relations, which submitted Standing Committee Report No. 21-48; adopted 9/26/19.

**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, SEPTEMBER 26, 2019;
without amendments and was returned to
THE HOUSE OF REPRESENTATIVES.**

THE BILL WAS FINALLY PASSED ON JULY 18, 2019.



Linda B. Muña, House Clerk



Twenty-First Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

SECOND DAY, FIFTH SPECIAL SESSION

JULY 18, 2019

H. B. No. 21-26

AN ACT

TO REQUIRE VEXATIOUS LITIGANTS TO GET THE APPROVAL OF A JUDGE BEFORE THEY COULD FILE ANY LAWSUITS IN THE FUTURE; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **SECTION 1. FINDINGS AND PURPOSE.**

2 The Legislature recognizes that Commonwealth Courts have been burdened with
3 frivolous litigation which is straining the judicial system and interfering with the effective
4 administration of civil justice. Moreover, the Legislature finds that the cost of litigation in the
5 Commonwealth can be extremely expensive and even a party that wins his or her case often is
6 subject to significant damages in the time lost and the expense of the defense. It is not
7 uncommon for even a simple civil case to cost more than a hundred thousand dollars to defend.

8 Therefore, a party who is repeatedly sued by the same party and wins still suffers
9 significant costs and there are persons who are prone to file lawsuits, often representing

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1 themselves, on a repeated basis. Some people are addicted to litigation. Others are convinced
2 that they are right and will keep finding excuses to sue if they can. The people are often
3 insolvent and thus represent themselves and get special waivers of filing fees from the courts
4 because they are indigent. Meanwhile, the defendant(s) continue to pay large amounts of
5 money on defense and have no choice as to whether to incur the defense costs.

6 The Legislature recognizes that these types of litigants can abuse defendants and waste
7 court resources. Thus, the Legislature finds that it is necessary to enact legislation to make it
8 more difficult for a person defined as a “vexatious litigant” to use the courts. However,
9 precautions should be enacted before a person can be defined as a “vexatious litigant”. The
10 Legislature finds that even a vexatious litigant should be able to use the Commonwealth courts
11 subject to certain restrictions. Therefore, the purpose of this legislation is to require a party,
12 found to be a vexatious litigant, to get the approval of a judge before they could file any
13 lawsuits in the future.

14 **SECTION 2. ENACTMENT.**

15 Subject to codification by the CNMI Law Revision Commission, the following
16 provisions are here by enacted:

17 **“ARTICLE XXX. VEXATIOUS LITIGANTS.**

18 § 101. DEFINITIONS.

19 As used in this article, the following terms have the following meanings:

20 (a) “Defendant” means a person (including corporation, association, partnership
21 and firm or governmental entity) against whom a litigation is brought or maintained or
22 sought to be brought or maintained.

23 (b) “Litigation” means any civil action or proceeding, commenced, maintained
24 or pending in any Commonwealth, state or federal court.

25 (c) “Plaintiff” means the person who commences, institutes or maintains a
26 litigation or causes it to be commenced, instituted or maintained, including an attorney
27 at law acting on his or her own behalf.

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1 (d) "Security" means an undertaking to assure payment, to the party for whose
2 benefit the undertaking is required to be furnished, of the party's reasonable expenses,
3 including attorney's fees and not limited to taxable costs, incurred in or in connection
4 with a litigation instituted, caused to be instituted, or maintained or caused to be
5 maintained by a vexatious litigant.

6 (e) "Vexatious litigant" means a person who does any of the following:

7 (1) In the immediately preceding seven-year period has commenced,
8 prosecuted, or maintained on his or her own behalf at least five litigations other
9 than in a small claims court that have been (i) finally determined adversely to
10 the person or (ii) unjustifiably permitted to remain pending at least two years
11 without having been brought to trial or hearing.

12 (2) After a litigation has been finally determined against the person,
13 repeatedly relitigates or attempts to relitigate, on his or her own behalf, either
14 (i) the validity of the determination against the same defendant or defendants as
15 to whom the litigation was finally determined or (ii) the cause of action, claim,
16 controversy, or any of the issues of fact or law, determined or concluded by the
17 final determination against the same defendant or defendants as to whom the
18 litigation was finally determined.

19 (3) In any litigation while acting on his or her own behalf, repeatedly
20 files unmeritorious motions, pleadings, or other papers, conducts unnecessary
21 discovery, or engages in other tactics that are frivolous or solely intended to
22 cause unnecessary delay.

23 (4) Has previously been declared to be a vexatious litigant by any
24 Commonwealth, state or federal court of record in any action or proceeding
25 based upon the same or substantially similar facts, transaction, or occurrence.

26 § 102. SECURITY.

27 In any litigation pending in any Commonwealth court, at any time until final

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1 judgment is entered, a defendant may move the court, upon notice and hearing, for an
2 order requiring the plaintiff to furnish security or for an order dismissing the litigation
3 pursuant to Section 104(b). The motion for an order requiring the plaintiff to furnish
4 security shall be based upon the ground, and supported by a showing, that the plaintiff
5 is a vexatious litigant and that there is not a reasonable probability that he or she will
6 prevail in the litigation against the moving defendant.

7 § 103. EVIDENCE.

8 At the hearing upon the motion the court shall consider any evidence, written
9 or oral, by witnesses or affidavit, as may be material to the ground of the motion. Except
10 for an order dismissing the litigation pursuant to Section 104(b), no determination made
11 by the court in determining or ruling upon the motion shall be or be deemed to be a
12 determination of any issue in the litigation or of the merits thereof.

13 § 104. DETERMINATION; DISMISSAL.

14 (a) Except as provided in subdivision (b) of this section, if, after hearing the
15 evidence upon the motion, the court determines that the plaintiff is a vexatious litigant
16 and that there is no reasonable probability that the plaintiff will prevail in the litigation
17 against the moving defendant, the court shall order the plaintiff to furnish, for the
18 benefit of the moving defendant, security in such amount and within such time as the
19 court shall fix.

20 (b) If, after hearing evidence on the motion, the court determines that the
21 litigation has no merit and has been filed for the purposes of harassment or delay, the
22 court shall order the litigation dismissed. This subdivision shall only apply to litigation
23 filed in a court of the Commonwealth by a vexatious litigant subject to a pre-filing order
24 pursuant to Section § 107 who was represented by counsel at the time the litigation was
25 filed and who acted in his or her own behalf after the withdrawal of his or her attorney.

26 (c) A defendant may make a motion for relief in the alternative under either
27 subdivision (a) or (b) of this section and shall combine all grounds for relief in one

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1 motion.

2 § 105. SECURITY NOT FURNISHED.

3 When security that has been ordered furnished is not furnished as ordered, the
4 litigation shall be dismissed as to the defendant for whose benefit it was ordered
5 furnished.

6 § 106. TEN DAYS TO PLEAD.

7 Except as provided in Section § 104(b), when a motion pursuant to Section §
8 102 is filed prior to trial the litigation is stayed, and the moving defendant need not
9 plead, until 10 days after the motion shall have been denied, or if granted, until 10 days
10 after the required security has been furnished and the moving defendant given written
11 notice thereof. When a motion pursuant to Section § 102 is made at any time thereafter,
12 the litigation shall be stayed for such period after the denial of the motion or the
13 furnishing of the required security as the court shall determine.

14 § 107. PREFILING ORDER.

15 (a) In addition to any other relief provided in this article, the court may, on its
16 own motion or the motion of any party, enter a prefiling order which prohibits a
17 vexatious litigant from filing any new litigation in the courts of the Commonwealth
18 without first obtaining leave of the chief justice or presiding judge of the court where
19 the litigation is proposed to be filed. Disobedience of the order by a vexatious litigant
20 may be punished as a contempt of court.

21 (b) The chief justice or presiding judge shall permit the filing of that litigation
22 only if it appears that the litigation has merit and has not been filed for the purposes of
23 harassment or delay. The chief justice or presiding judge may condition the filing of
24 the litigation upon the furnishing of security for the benefit of the defendants as
25 provided in Section § 104.

26 (c) The clerk of court may not file any litigation presented by a vexatious litigant
27 subject to a prefiling order unless the vexatious litigant first obtains an order from the

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1 presiding justice or presiding judge permitting the filing. If the clerk of court mistakenly
2 files the litigation without the order, any party may file with the clerk and serve, or the
3 chief justice or presiding judge may direct the clerk of court to file and serve, on the
4 plaintiff and other parties a notice stating that the plaintiff is a vexatious litigant subject
5 to a prefiling order as set forth in subdivision (a) of this section. The filing of the notice
6 shall automatically stay the litigation. The litigation shall be automatically dismissed
7 unless the plaintiff within 10 days of the filing of that notice obtains an order from the
8 presiding justice or presiding judge permitting the filing of the litigation as set forth in
9 subdivision (b) of this section. If the chief justice or presiding judge issues an order
10 permitting the filing, the stay of the litigation shall remain in effect, and the defendants
11 need not plead, until 10 days after the defendants are served with a copy of the order.

12 (d) For purposes of this section, "litigation" includes any petition, complaint,
13 application, or motion other than a discovery motion, in a proceeding in a
14 Commonwealth Courts for any order.

15 (e) The chief justice or presiding judge of a court may designate a justice or
16 judge of the same court to act on his or her behalf in exercising the authority and
17 responsibilities provided under subdivisions (a) to (c) of this section, inclusive.

18 (f) The clerk of the court shall maintain a copy of any prefiling orders issued
19 pursuant to subdivision (a) of this section. The clerk of court shall maintain a record of
20 vexatious litigants subject to those prefiling orders and shall annually disseminate a list
21 of those persons to the other clerks of the Commonwealth courts.

22 § 108. VACATE PREFILING ORDER.

23 (a) A vexatious litigant subject to a prefiling order under Section § 107 may file
24 an application to vacate the prefiling order and remove his or her name from the clerk
25 of court's list of vexatious litigants subject to prefiling orders. The application shall be
26 filed in the court that entered the prefiling order, either in the action in which the
27 prefiling order was entered or in conjunction with a request to the chief justice or

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1 presiding judge to file new litigation under Section § 107. The application shall be made
2 before the justice or judge who entered the order, if that justice or judge is available. If
3 that justice or judge who entered the order is not available, the application shall be made
4 before the presiding justice or presiding judge, or his or her designee.

5 (b) A vexatious litigant whose application under subdivision (a) of this section
6 was denied shall not be permitted to file another application on or before 12 months
7 has elapsed after the date of the denial of the previous application.

8 (c) A court may vacate a prefiling order and order removal of a vexatious
9 litigant's name from the clerk of court's list of vexatious litigants subject to prefiling
10 orders upon a showing of a material change in the facts upon which the order was
11 granted and that the ends of justice would be served by vacating the order.”

12 **SECTION 3. SEVERABILITY.**

13 If any provisions of this Act or the application of any such provision to any person or
14 circumstance should be held invalid by a court of competent jurisdiction, the remainder of this
15 Act or the application of its provisions to persons or circumstances other than those to which
16 it is held invalid shall not be affected thereby.

17 **SECTION 4. SAVINGS CLAUSE.**


18 This Act and any repealer contained herein shall not be construed as affecting any
19 existing right acquired under contract or acquired under statutes repealed or under any rule,
20 regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect
21 any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not
22 have the effect of terminating, or in any way modifying, any liability, civil or criminal, which
23 shall already be in existence on the date this Act becomes effective.

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1 **SECTION 5. EFFECTIVE DATE.**

2 This Act shall take effect upon its approval by the Governor, or its becoming law
3 without such approval.

Attested to by:



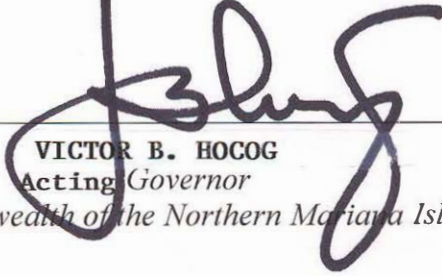
Linda B. Muña, House Clerk

Certified by:



ACTING SPEAKER JOHN PAUL P. SABLAN
House of Representatives
21st Northern Marianas Commonwealth Legislature

Approved this 30th day of October, 2019



VICTOR B. HOCOG
Acting Governor
Commonwealth of the Northern Mariana Islands