



By the order of the court, Judge David A Wiseman

E-FILED
CNMI SUPERIOR COURT
E-filed: Apr 3 2009 2:31PM
Clerk Review: N/A
Filing ID: 24501036
Case Number: 04-0589
N/A



FOR PUBLICATION

IN THE SUPERIOR COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

MARINE REVITALIZATION CORP.)
and ANTHONY PELLEGRINO, in his)
personal capacity and as an officer of)
Marine Revitalization Corporation,)

Plaintiffs,)

vs.)

CNMI DEPARTMENT OF LAND AND)
NATURAL RESOURCES,)

Defendant.)
_____)

CIVIL ACTION NO. 02-0566
CIVIL ACTION NO. 04-0589

ORDER DENYING DEFENDANT'S
MOTION FOR TEMPORARY STAY
PENDING HEARING ON MOTION TO
STAY

On April 1, 2009, at 11:50 a.m., Defendant DLNR filed a Motion for Temporary Stay Pending Hearing of Motion to Stay the Third Order in Aid of Judgment. Their Motion to Stay Pending Appeal, filed on March, 26, 2009, is set for a hearing on April, 9, 2009. However, the Third Order in Aid of Judgment (hereinafter "Third Order"), issued on February 24, 2009, included, among other things, a mandate that \$20,000 be paid to MRC on or before April 1, 2009. Thus, the hearing will not take place until 8 days after their deadline for payment has passed. Be that as it may, DLNR is now requesting a stay of that particular portion of the Third Order, which ordered a \$20,000 payment on or before April 1, until after the hearing on April 9.

1 Although Defendant filed a timely Motion to Stay on the major portions of the Third Order,
2 which is set for hearing on April 9, the instant motion (which was filed subsequent to the first Motion to
3 Stay) was not filed until the afternoon on the day that the \$20,000 payment was due. Astonishingly,
4 DLNR waited until April 1, the due date of the payment, to make their request.

5 In the Third Order, DLNR was Ordered to abide by the First and Second Orders in Aid of
6 Judgment. In particular, the Third Order stated that “[t]he \$20,000 ordered paid to Plaintiff’s on May
7 10, 2005, shall be paid to Plaintiff’s counsel on or before April 1, 2009, with an accumulated interest at
8 the rate of 9% from May 10, 2005 to the date of payment.” *Marine Revitalization Corp., et al. v. CNMI*
9 *Dept. of Lands and Natural Resources*, Civ. No. 04-0589D (N.M.I. Super. Ct. February 24, 2009) (Third
10 Order in Aid of Judgment). As stated in the Third Order, “the First Order and Second Order mandated
11 \$20,000 be paid to Plaintiffs that the Court determined *had been previously appropriated* for payment of
12 judgments and remained available.”

13 Further, the appropriate action would have been to file a Stay after the First Order was issued, or
14 after the Second Order was issued, which mandated the same action which DLNR is now attempting to
15 postpone. Instead, DLNR blatantly ignored the first two orders and now, only after another deadline has
16 passed, wishes to further postpone the mandates of the Court. The Third Order was a continuation of
17 mandates which have been in place for more than four years. In view of Defendant's continuing
18 chutzpah, manifested by the history of this case, it appears a reminder of the Court’s position in this
19 matter is necessary. As stated, in part, in the Third Order: “[i]n the event the Order is not complied
20 with, Plaintiffs are authorized to seek further relief, including but not limited to an order garnishing
21 federal funds, appropriating portions of DLNR’s budget, and obtaining a finding of contempt from the
22 Court.” *Marine Revitalization Corp., et al. v. CNMI Dept. of Lands and Natural Resources*, Civ. No. 04-
23 0589D (N.M.I. Super. Ct. February 24, 2009) (Third Order in Aid of Judgment).

24 For the foregoing reasons, DLNR’s Motion For Temporary Stay Pending the Hearing on their
25 Motion to Stay Pending Appeal of Third Order in Aid of Judgment is hereby DENIED.

1 **SO ORDERED this 3rd day of April, 2009.**

2

3

/s/ _____

4

David A. Wiseman, Associate Judge

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25