



By the order of the court, Judge David A Wiseman

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

**ROMA P. KING, MARY CHRISTINE P.)
KING, and ANGELICA ISABEL P.)
KING, and STEPHANIE P. KING,)
Minor Children, by and through their)
Next Friend MARLEEN P. KING,)**

CIVIL CASE NO. 05-0219

**ORDER DENYING DEFENDANTS'
MOTION TO RECONSIDER THE
COURT'S JULY 13, 2006 ORDER**

Plaintiffs,

v.

**JESSE S. PALACIOS, RAMON K.)
QUICHOCHO, DIEGO LEBANTE, and)
JOHN DOES 1-10, namely the Agents)
and assigns of Defendants Palacios,)
Quichocho, and Lebante,)**

Defendants.

I. INTRODUCTION

THIS MATTER came to the Court's attention on April 24, 2014, at 1:30 p.m. in Courtroom 223A upon Plaintiffs' representation that a number of matters remain pending before this Court.¹ Plaintiffs Roma P. King and others were represented by Attorney Mark B. Hanson ("Hanson"). Defendant Ramon K. Quichoco ("Quichocho") appeared pro se. The pending motions are: (1) Defendants' Motion to Reconsider the Court's July 13, 2006 Order; (2) Plaintiffs' Motion to Disqualify Antonio M. Atalig; (3) Defendants'

¹ A review of the court records shows that the matter was assigned to the undersigned judge in May of 2006. The matter was then once assigned to the Honorable Judge Govendo on Defendants' motion to disqualify the undersigned judge. *King v. Palacios*, Civ. Case No. 05-0219 (NMI Super. Ct. Dec. 20, 2006) (Order Denying Defendant's Motion to Disqualify Judge David Wiseman). The case was re-assigned to the undersigned judge and set for status conference on December of 2006. (Order Setting Status Conference). The Court takes judicial notice that during some of the time between 2006 and the present day, Defendants' attorneys were subject to disciplinary proceedings. Both of Defendants' attorneys have since been disbarred from the practice of law before the courts of the Commonwealth. On September 13, 2013, Quichocho filed a motion for failure to prosecute. The Court denied Quichocho's motion on April 24, 2014. There, the Court identified a number of factors that contributed to the delay in the disposition of some of the issues in the case. One was the untimely death of a grantor in 2007. Another was the conduct of Defendants' attorneys prior to their disbarment. Third, there were some uncertainties relating to withdrawal of the Plaintiffs' initial attorney. (Order Denying Defendant's Motion to Dismiss at 4).

1 Motion to Dismiss the First Amended Complaint; (4) Plaintiffs’ Motion for Summary Judgment; (5)
2 Defendants’ Cross-Motion for Summary Judgment.

3 In this order, the Court addresses Defendants’ motion to reconsider the Court’s July 13, 2006 order
4 granting Plaintiffs’ motion to disqualify Defendant’s counsel, Quichocho; and denying Defendant’s cross-
5 motion to disqualify Plaintiff’s counsel, Hanson.

6 Based on review of the filings, oral arguments, and applicable law, the Court hereby **DENIES**
7 Defendants’ motion for reconsideration.

8 **II. BACKGROUND**

9 In its July 13, 2006 order, the Court cited to Rule 3.7 of the Model Rules of Professional Conduct
10 to determine that allowing Quichocho to represent the parties to the litigation and himself would not only
11 prejudice the parties, but potentially confuse the trier of fact “and subject this court to a series of adverse
12 positions as to invite absurdity to the proceedings.” (Order Granting Plaintiff’s Motion to Disqualify
13 Defendants’ Counsel, Ramon K, Quichocho at 4).

14 As to Defendants’ cross-motion to disqualify Hanson, the Court found that Defendants’ cross-motion
15 “was offered without any discernable legal or logical support and for that reason is without merit.” *Id.*

16 **III. LEGAL STANDARD**

17 Under Rule 59(e) of the Rules of Civil Procedure, the movant has a burden to show that “an
18 intervening change of controlling law, the availability of new evidence, or the need to correct a clear error
19 or prevent manifest injustice” warrant relief. *Camacho v. J.C. Tenorio Enter.*, 2 NMI 407, 414 (1992) (citing
20 18 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 4478 (1981)).

21 Relief under Rule 59(e) is an extraordinary remedy and the moving party must meet an “exceedingly
22 difficult” burden to obtain relief. Cf. *Soto-Padro v. Public Bldgs. Auth.*, 675 F.3d 1, 9 (1st Cir. 2012).
23 Commonwealth law favors the finality of court decisions, to "maintain consistency and avoid reconsideration
24 of matters once decided during the course of a single continuing lawsuit." *Cushnie v. Arriola*, 2000 MP 7
25 ¶ 14. Accordingly, it is the general practice of the court “to refuse to reopen what has been decided.” *Id.*

