

**Takeshi NAKAZATO and Mitsui  
Nakazato  
vs.  
MICRONESIAN DEVELOPMENT  
COMPANY, INC.**

**Appellate No. 85-9018  
District Court NMI  
Appellate Division**

**Decided March 20, 1986**

**1. Appellate Procedure -  
Dismissal of Appeal**

Where appellants were 6 days late in filing the designation of the record, 17 days late in ordering the reporter's transcript, and did not pay for the transcript until 3 months later, appeal would be dismissed for failure to comply with the Rules of Appellate Procedure. Dist. Court R. App.P. 6.

FILED  
Clerk  
District Court

1 UNITED STATES DISTRICT COURT MAR 20 1986  
2 FOR THE  
3 NORTHERN MARIANA ISLANDS *For The Northern Mariana Islands*  
4 APPELLATE DIVISION *Alpey*

5 TAKESHI NAKAZATO and MITSUI )  
6 NAKAZATO, )  
7 Plaintiffs-Appellants, )  
8 vs. )  
9 MICRONESIAN DEVELOPMENT )  
10 COMPANY, INC., )  
11 Defendant-Appellee. )

DCA NO. 85-9018

DECISION AND ORDER

12  
13 On July 29, 1985, the Commonwealth Trial Court entered  
14 judgment in favor of defendant/appellee, Micronesian Development  
15 Company, Inc. (MDC). Plaintiffs-appellants, Takeshi and Mitsui  
16 Nakazato, filed a notice of appeal on August 27, 1985. They  
17 ordered the trial transcript and filed the designation of the  
18 clerk's record on September 23, 1985. On December 30, 1985, they  
19 paid for the preparation of the transcript. MDC now moves to  
20 dismiss this appeal based on the failure of the Nakazatos to  
21 follow the Rules of Appellate Procedure in a timely manner. For  
22 the following reasons this appeal will be dismissed.

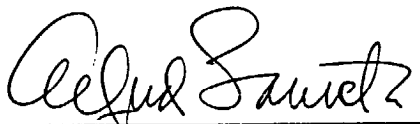
23 [1] Rule 6(a) of the Local Rules of Appellate Procedure  
24 requires that the appellant "file a designation of the clerk's  
25 record with the clerk of the Trial Court within 21 days after  
26 filing or service of the notice of appeal..." The Nakazatos were

1 six days late. Rule 6(b) of the Local Rules of Appellate  
2 Procedure requires that "[w]ithin 10 days after filing of the  
3 notice of appeal, the appellant shall order from the court  
4 reporter a transcript..." The Nakazatos were 17 days late. Rule  
5 6(b) also requires that at the time the appellant orders the  
6 transcript he "must make satisfactory arrangements with the court  
7 reporter for payment of the costs for the transcript." The  
8 Nakazatos paid for the transcript on December 30, 1985. This was  
9 more than three months after the transcript was ordered and the  
10 Court finds that this was not a satisfactory arrangement under  
11 Rule 6(b).

12 This case is representative of a number of cases now  
13 before the appellate division of this Court wherein attorneys  
14 have shown a lack of concern for timely compliance with the  
15 Rules of Appellate Procedure. Were this Court not to dismiss  
16 this appeal, and others like it, it would signify to the local  
17 bar the Court's condonation of this practice. That is not what  
18 the Court wishes to do.

19 For these reasons this appeal shall be dismissed.  
20 IT IS SO ORDERED.

21  
22 DATED this 20<sup>th</sup> day of March, 1986.

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25 \_\_\_\_\_  
26 JUDGE ALFRED LAURETA