



**E-FILED**  
**CNMI SUPERIOR COURT**  
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 Case Number: 13-0195-CV  
 N/A

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

<b>IN RE THE ESTATE OF</b>	)	<b>CIVIL ACTION NO. 13-0195</b>
	)	
<b>BERNADITA A. MANGLONA,</b>	)	
	)	
	)	<b>ORDER GRANTING</b>
	)	<b>CO-ADMINISTRATORS’</b>
<b>Deceased.</b>	)	<b>ATTORNEYS’ FEES</b>
	)	
	)	

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**I. INTRODUCTION**

On October 5, 2022, the co-administrators of the Estate of Bernadita A. Manglona (the “Co-Administrators”) filed their “Submission of Redacted Estate Attorney Fees Invoices” and submitted the unredacted version directly to the Court for in camera review. Heir Paul A. Manglona and the PB Manglona Family Trust (the “Trustees”) filed a joint objection to the Co-Administrators’ requested attorneys’ fees on November 1, 2022. The Co-Administrators filed a reply to the joint objection on November 14, 2022. The Co-Administrators are represented by attorney Samuel Mok. The Trustees are represented by attorney Pamela Brown. Heir Paul A. Manglona is represented by attorney Mark Scoggins.

The Court, having heard the arguments of counsel and having reviewed the submissions of the parties and the relevant law, **GRANTS** the requested attorneys’ fees in full.

**II. BACKGROUND**

The summary invoice submitted by the Co-Administrators requests a sum total of \$164,704.25 for work spanning across five years (Sept. 2017 to Sept. 2022) and seven cases:

**By order of the Court, Judge Pro Tem David A. Wiseman**

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Case No.	Caption	Relation to Probate	Fees/Costs
13-0195-CV	In re: Estate of BAM	Primary probate case	\$31,030.50
15-0082-CV	Co-Trustees v. Co-Administrators	Quiet title action re: estate land	\$1,590.50
2017-SCC-0025	Co-Trustees v. Co-Administrators	Appeal of 15-0082-CV	\$3,067.00
17-0140-CV	Paul Manglona v. Co-Administrators	Quiet title action re: Lot 026 E 01	\$55,996.25
2019-SCC-0011	Paul Manglona v. Co-Administrators	Appeal of 17-0140-CV	\$52,193.00
DPL#20-001	Co-Administrators v. DPL	Land compensation re: estate land	\$16,082.50
22-0129-CV	Co-Administrators v. Heirs of Sablan	Quiet title action re: estate land	\$4,744.50

See Exhibit 1 to Submission of Redacted Estate Attorney Fees Invoices at 1.

Heir Paul A. Manglona and the Trustees filed a joint objection to said request, to wit: (i) that the requested fees are “excessive” with respect to appellate case no. 19-SCC-0011, and (ii) that the fees are not based on contemporaneously prepared billings. See Joint Objection at 1-2. The Court addresses both objections below.

### III. LEGAL STANDARD

The fee applicant bears the burden of proving the reasonableness of the amount it requests. *Ishimatsu v. Royal Crown Ins. Corp.*, 2010 MP 8 ¶ 68. However, “[t]hose opposing fee applications have obligations, too.” *ACLU v. Barnes*, 168 F.3d 423, 428 (11th Cir. 1999). Objections must be raised in a “specific” and “reasonably precise” manner to aid the court in determining the reasonableness of the requested fees. *Id.* (“Objections and proof from fee opponents concerning hours that should be excluded must be specific and reasonably precise.”) (internal quotations and citations omitted).

In “evaluating the reasonableness of attorney fees, the court considers the time and labor required, the novelty and difficulty of the questions involved, and the skill required to properly perform the legal service.” *In re Estate of Malite*, 2010 MP 20 ¶ 41. “There is no formula, and a trial court must exercise its discretion and wisdom to tailor the balancing of factors to the particular circumstances in a given case.” *Id.* ¶ 45. Generally, courts are granted “wide latitude” in awarding fees. *Id.*

1 IV. DISCUSSION

2 a. Trustees’ Objection to Attorneys’ Fees Claimed for Work on Appellate Case No. 10-  
3 SCC-0011

4 In their joint objection, Paul A. Manglona and the Trustees objected only to the attorneys’ fees  
5 claimed for work on appellate case no. 2019-SCC-0011 as excessive:

Case No.	Caption	Relation to Probate	Fees/Costs
2019-SCC-0011	Paul Manglona v. Co-Administrators	Appeal of 17-0140-CV	\$52,193.00

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8 See Ex. 1 at 26-32. The following grounds were provided in support of their objection and request that  
9 these fees be denied:

10 As this Court is aware, the primary tasks for an appellee in an appeal are to prepare one  
11 brief in response to the brief of Appellant, and to prepare for and attend oral argument.  
12 Apparently, Counsel [for the Co-Administrators] thought certain other filings were  
13 necessary in the case, but irrespective of this, **296.6 hours, or \$52,193.00 is an objectively  
unreasonable amount of time and money for one appeal handled by one attorney.** This  
is especially true give that in the underlying case, which as the Court knows actually went  
to trial, the Co-Administrators billed only slightly more hours, 310.9 hours for \$55,996.25.

14 See Joint Objection at 1-2 (emphasis added).

15 The objections made by Paul A. Manglona and the Trustees leave much to be desired. No  
16 specific line items for Case No. 2019-SCC-0011 were raised as being objectively unreasonable, nor did  
17 the opposing parties cite to any legal authority in support of their position. Rather, only a general  
18 objection was made that 296.6 hours, or \$52,193.00, was excessive considering that “the primary tasks  
19 for an appellee in an appeal are to prepare one brief . . . and to prepare for and attend oral argument.”  
20 See Joint Objection at 1. However, the Court finds this statement to be an oversimplification of the  
21 work actually performed by the Co-Administrators’ counsel in appellate case no. 2019-SCC-0011.

22 Because the objections to the requested attorneys’ fees lack the requisite specificity necessary  
23 to aid the Court in determining reasonableness, the Court will turn to the factors typically considered  
24 by courts in this jurisdiction. See *In re Estate of Malite*, 2010 MP 20 ¶ 41 (In “evaluating the

1 reasonableness of attorney fees, the court considers the time and labor required, the novelty and  
2 difficulty of the questions involved, and the skill required to properly perform the legal service.”).

3 With regard to the “time and labor required,” as previously mentioned, the assertion that “the  
4 primary tasks for an appellee in an appeal are to prepare one brief . . . and to prepare for and attend oral  
5 argument” is overly simplistic. The Court, having received notices of all filings by the parties in  
6 appellate case no. 2019-SCC-0011, is well-aware that there were “multiple substantive motions, cross-  
7 motions, oppositions, replies, notices and recusals” involved. *See* Reply to Joint Objection at 2. A  
8 review of the billing records for appellate case no. 2019-SCC-0011 shows that, in addition to appellee’s  
9 brief, counsel for the Co-Administrators researched and drafted a:

- 10 - Motion to Strike Appellant’s Reply Brief;
- 11 - Opposition to Appellant’s Motion to File Out of Time and Cross-Motion for Sanctions; and
- 12 - Reply to Opposition to Cross-Motion for Sanctions.<sup>1</sup>

13 These are substantive motions (or oppositions to motions) that require substantive legal research and  
14 analysis, in addition to the additional time required to review all relevant filings. The Court also notes  
15 that the majority of time billed on appellate case no. 2019-SCC-0011 appears to be for legal research  
16 (*e.g.*, legal research re: statute of limitations, equitable tolling, *void ab initio*, waiver, laches, distinction  
17 between fraud and forgery, sanctions for misconduct, forum shopping, etc.) and drafting and editing  
18 the appellate brief, motions and cross-motions, oppositions, and replies. Given the numerous legal  
19 issues that arose during the appellate cases, the Court does not find the time spent reviewing all of the  
20 briefs filed, researching all of the legal issues raised, and drafting and editing all of the briefs to be  
21 unreasonable.

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22  
23 <sup>1</sup> Although Paul A. Manglona and the Trustees questioned whether these additional filings were necessary on the Co-  
24 Administrators’ part, the Court notes that the Co-Administrators were meritorious and prevailed upon their Motion to Strike  
Appellant’s Reply Brief and Opposition to Appellant’s Motion to File Out of Time. The Cross-Motion for Sanctions was  
held in abeyance.

1 With regard to the “novelty and difficulty of the questions involved,” the Co-Administrators  
2 point out that the appeal raised, *inter alia*, an issue of first impression before the NMI Supreme Court  
3 with respect to whether a forged deed is *void ab initio* and, if so, whether a statute of limitations is  
4 applicable to that void deed. *See* Reply to Joint Objection at 2. The Co-Administrators argue that a  
5 matter of first impression before the Supreme Court on a potentially dispositive issue requires “even  
6 more time to properly address . . . above and beyond the multiple filings that took place.” *Id.* The  
7 Court agrees with this sentiment, although it does not find this factor to be dispositive.

8 With regard to the “skill required to properly perform the legal service,” the Court draws upon  
9 its own experience as a legal practitioner in this jurisdiction for many years prior to joining the bench.  
10 *See Norman v. Housing Authority of Montgomery*, 836 F.2d 1292, 1303 (“The court . . . is itself an  
11 expert on the question and may consider its own knowledge and experience concerning reasonable and  
12 proper fees and may form an independent judgment either with or without the aid of witnesses as to  
13 value.”). In considering what reasonably comparable attorneys in this legal community might be  
14 expected to charge in a similar case for services similar to those provided here, the Court finds that the  
15 hourly rate of \$175.00 charged by the Co-Administrators’ counsel is reasonable and actually falls below  
16 the prevailing market rate for legal services in Saipan.

17 Therefore, in light of the significant amount of substantive legal research and brief-drafting  
18 required in appellate case no. 2019-SCC-0011, the fact that the case dealt with an issue of first  
19 impression in the CNMI, and the fact that counsel’s hourly rate falls below what this Court would  
20 expect a reasonably comparable attorney in this legal community to charge in a similar case for services  
21 similar to those provided here, the Court finds the attorneys’ fees requested by the Co-Administrators  
22 to be reasonable and **GRANTS** the request in full.<sup>2</sup>

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24 <sup>2</sup> Although the Court did consider whether an adjustment would be appropriate, it ultimately did not find any adjustment warranted, nor was any adjustment suggested by Paul A. Manglona or the Trustees.

1       **b. Trustees' Objection to Co-Administrators' Counsel's Alleged Practice of Not Preparing**  
2       **Billings Contemporaneously**

3           An additional objection was made by Paul A. Manglona and the Trustees to the “inherently  
4 unreliable” nature of the invoices submitted by the Co-Administrators because said invoices are  
5 allegedly not prepared contemporaneously to when the work is actually performed:

6           As noted previously on the record, Counsel apparently constructs his billings well after  
7 the fact, and this renders the billings unreliable. In this situation, the Court is presented  
8 with billings going back more than five years. It is impossible to know how long after  
the fact these billings were produced, especially given the multiple requests for extension.

9       *See* Joint Objection at 2.

10           This objection also leaves much to be desired. As an initial matter, Paul A. Manglona and the  
11 Trustees have based their claim on no legal authority, whether in the CNMI or in any other jurisdiction,  
12 supporting the notion that billings must be contemporaneously prepared and failure to do so may result  
13 in a denial or adjustment of attorneys' fees. *See, e.g., Damon v. Grand Trunk R.R., Inc.*, 2006 U.S.  
14 Dist. LEXIS 67337, \*14 (“The Court will not do a party’s legal research for it nor make a party’s  
15 arguments for it.”); *Tyler v. Runyon*, 70 F.3d 458, 465 (7th Cir. 1995) (recognizing that courts need not  
16 and indeed should not expend limited judicial resources in researching, refining, and otherwise fleshing  
17 out arguments that the parties themselves do not adequately support).

18           Furthermore, this allegation is a disputed one: counsel for the Co-Administrators submitted a  
19 declaration attesting that he, in fact, does practice contemporaneous billing:

20           The itemized invoices filed on October 5, 2022 are based on contemporaneous time  
21 records for the work described. The aforesaid billings have also been further cross-  
referenced with emails, internal records, court filings and notes.

22 Decl. of Samiel Mok ISO Reply to Joint Objection at 1. Accordingly, because this objection is not  
23 based in fact and, further, is unsupported by any legal authority, the Court rejects it and finds it  
24 immaterial to the question of reasonableness of the submitted attorneys' fees.

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**V. CONCLUSION**

In view of the foregoing, it is hereby **ORDERED** that the requested attorneys' fees and costs in the sum total of \$164,704.25 is **GRANTED** in full.

**IT IS SO ORDERED** this 14th day of March, 2023.

/s/ \_\_\_\_\_  
**DAVID A. WISEMAN**  
Judge Pro Tempore