

TITLE 7: CIVIL PROCEDURE
DIVISION 2: ACTIONS AND SPECIAL PROCEEDINGS

§ 2451. Definitions.

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

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

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

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

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

(e) “Vexatious litigant” means a person who does any of the following:

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

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

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

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

Source: PL 21-11, § 2 (§ 101) (Oct. 30, 2019), modified.

Commission Comment: The Commission numbered this article and renumbered its sections pursuant to 1 CMC § 3806(a). In addition to severability and savings clause sections, PL 21-11 included the following Findings and Purpose section:

Section 1. Findings and Purpose. The Legislature recognizes that Commonwealth Courts have been burdened with frivolous litigation

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DIVISION 2: ACTIONS AND SPECIAL PROCEEDINGS

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

Therefore, a party who is repeatedly sued by the same party and wins still suffers significant costs and there are persons who are prone to file lawsuits, often representing themselves, on a repeated basis. Some people are addicted to litigation. Others are convinced that they are right and will keep finding excuses to sue if they can. The people are often insolvent and thus represent themselves and get special waivers of filing fees from the courts because they are indigent. Meanwhile, the defendant(s) continue to pay large amounts of money on defense and have no choice as to whether to incur the defense costs.

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