

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

§ 2458. Vacate Prefiling Order.

(a) A vexatious litigant subject to a prefiling order under 7 CMC § 2457 may file an application to vacate the prefiling order and remove his or her name from the clerk of court's list of vexatious litigants subject to prefiling orders. The application shall be filed in the court that entered the prefiling order, either in the action in which the prefiling order was entered or in conjunction with a request to the chief justice or presiding judge to file new litigation under 7 CMC § 2457. The application shall be made before the justice or judge who entered the order, if that justice or judge is available. If that justice or judge who entered the order is not available, the application shall be made before the presiding justice or presiding judge, or his or her designee.

(b) A vexatious litigant whose application under subsection (a) of this section was denied shall not be permitted to file another application on or before 12 months has elapsed after the date of the denial of the previous application.

(c) A court may vacate a prefiling order and order removal of a vexatious litigant's name from the clerk of court's list of vexatious litigants subject to prefiling orders upon a showing of a material change in the facts upon which the order was granted and that the ends of justice would be served by vacating the order.

Source: PL 21-11, § 2 (§ 108) (Oct. 30, 2019), modified.

Commission Comment: The Commission changed internal section references in (a) to reflect section renumbering pursuant to 1 CMC § 3806(c), and changed "Prefling" to "Prefiling in the section title and "subdivision" to "subsection" in (b) pursuant to 1 CMC § 3806(g).