

CNMI THE SUPERICOURT  
OF THE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

ADVANCE MARKETING SAIPAN  
CORPORATION

Plaintiff,

vs.

MANNY T. VILLAGA, dba PACIFIC  
SAIPAN TECHNICAL CONTRACTORS,

Defendant

CIVIL CASE NO. 94-376

**ORDER DENYING MOTION  
TO ALTER OR AMEND  
JUDGMENT**

This matter came before the Court on December 27, 2001 at 9:00 a.m. in courtroom 223 A on Defendant's Motion to Alter or Amend Judgment under Corn. R. Civ. P. 59 (e). Michael A. White, Esq., appeared on behalf of Plaintiff ADVANCE MARKETING SAIPAN CORPORATION. Defendant MANNY T. VILLAGA appeared pro se.

DISCUSSION

Corn. R. Civ. P. 59 (e) provides that "[a] motion to alter or amend the judgment shall be served not later than ten days after the entry of the judgment. This 10-day period is jurisdictional, and may not be extended by court order or waived by the parties. U.S. v. Martin, 226 F.3d 1042

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Order Denying Motion to Amend

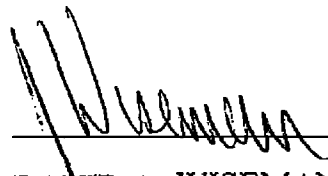
FOR PUBLICATION

226 F.3d 1042 (9<sup>th</sup> Cir. 2000); see also Lichtenbern v. Besicorp Group Inc., 204 F.3d 397,401 (2d Cir. 2000); U.S. Leather. Inc. v. H & W Partnership, 60 F.3d 222 (5<sup>th</sup> Cir. 1995) Looking at interpretations of counterpart federal rules are helpful in interpreting the Commonwealth Rules of Civil Procedure. In re Magofna, 1 N. M. I. 454 (1990).

The Defendant is attempting to amend or ask the Court for reconsideration of a judgment that was issued on September 7, 1994.’ Defendant’s current motion was filed more than **seven** years after the Superior Court entered judgment. Accordingly, Defendant’s motion is untimely and this Court does not have jurisdiction to review the judgment entered on September 7, 1994. Therefore, Defendant’s motion is **DENIED**.

The **Order in Aid of Judgment** hearing is set for **January 24, 2002** at **1:30** p.m. in **Courtroom 223A**.

So **ORDERED** this 31<sup>st</sup> day of December, 2001.

  
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DAVID A. WISEMAN, Associate Judge

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<sup>1</sup> *Advance Marketing Saipan Corporation v. Manny T. Villaga, dha Pacific Saipan Technical Contractors*, Civ.

No. 94-376 (N.M.I Super. Ct. Sept. 7, 1994) (Order Granting Plaintiffs Motion for Summary Judgment)

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Order Denying Motion to Amend