

1 For Publication

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

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ANGELA GUSEMAN SABLAN,

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CIVIL ACTION NO. 03-0160-FCD

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Petitioner,

)

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v.

)

**ORDER GRANTING IN PART AND
DENYING IN PART PETITIONER'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

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NICOLAS CASTRO SABLAN,

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Respondent.

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THIS MATTER came on for hearing April 8, 2004 on Petitioner's motion for partial summary judgment. Appearing were Assistant Attorney General Angela L. Bennett for the Petitioner and Brien Sers Nicholas for the Respondent. After reviewing the pleadings and hearing the arguments of counsel, the Court delivered an oral ruling on the motion. This oral ruling is expanded upon and somewhat modified by this order.

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This case arises from an attempt by the Attorney General's office to enforce, on behalf of Petitioner, a child support order that was issued against Respondent by a Texas court. The Petitioner's motion for partial summary judgment asks this Court to recognize and give full faith and credit to the Texas order and to further find that Respondent has a continuing obligation to Petitioner totaling \$1,200 per month and an arrearage of \$12,000. The Court recognizes its obligation to support valid child support orders from other jurisdictions. However, the Court believes that the proper procedure in a case such as this is to first decide whether or not a judgment is eligible to be given full faith and credit. Only after this decision has been made can the Court decide how much, if any, current and past-due child support is owed. Normally, the appropriate means to obtain such a decision from the Court is the filing of a motion for judgment on the pleadings on the issue of the validity of the foreign judgment.

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1 However, the Court’s review of the pleadings in this case reveals that the Respondent has
2 already conceded two key points. Specifically, Respondent concedes, in his opposition to the
3 current motion, that the Texas judgment is valid and that it calls for Respondent to pay child support
4 in the amount of \$1,200 per month. Respondent does not dispute his continuing obligation to make
5 these payments. Because these points have been conceded, summary judgment on them is
6 appropriate. However, Respondent does dispute Petitioner’s claim that he owes \$12,000 in past-due
7 support payments and has submitted evidence in support of this. Citing this evidence, Respondent
8 asks for summary judgment in his favor on the question of past-due payments.

9 The Court is thus presented with a situation in which both parties have submitted evidence
10 to support their answer to the question of what, if anything, Respondent owes in past-due support.
11 This is a classic example of dispute as to a material fact. Therefore, summary judgment on the
12 question of past-due support is inappropriate.

13 **IT IS HEREBY ORDERED:**

14 That Petitioner’s motion for summary judgment on the question of giving full faith and credit
15 to the Texas judgment must be and is GRANTED. The Court will give full faith and credit
16 to this judgment.

17 That Petitioner’s motion for summary judgment on the question of Respondent’s obligation
18 to pay \$1,200 per month in child support under the Texas judgment must be and is
19 GRANTED. Respondent shall continue to pay monthly support in accordance with the
20 Texas judgment.

21 That Petitioner’s motion for summary judgment and Respondent’s cross motion for summary
22 judgment on the question of amount of arrearage, if any, must be and is DENIED.

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24 SIGNED this 17th day of May 2004

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26 /s/
27 JUAN T. LIZAMA, Associate Judge
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