

1 **FOR PUBLICATION**

2
3 **IN THE SUPERIOR COURT**
4 **OF THE**
5 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

6 **OFFICE OF THE ATTORNEY**)
7 **GENERAL AND DIVISION OF**)
8 **IMMIGRATION SERVICES,**)

8 **Petitioners,**)

9 **vs.**)

10 **LETICIA PADAWI CARBONEL,**)

11 **Respondent.**)
12 _____)

CIVIL ACTION NO. 06-0031E

**DENIAL OF RESPONDENT'S
MOTION TO COMPEL**

13
14 **I. INTRODUCTION**

15 **THIS MATTER** was heard on May 11, 2006 at 1:30 p.m. in Courtroom 223A. Assistant
16 Attorney General Kevin A. Lynch appeared on behalf of the Government. Respondent appeared and
17 was represented by Stephen C. Woodruff. The Court having considered the parties' legal arguments
18 as set forth in their written submissions and oral arguments submits its ruling and order.

19 **II. FACTUAL AND PROCEDURAL HISTORY**

20 The substantive narrative underlying Respondent's motion to compel discovery is simple.
21 After being served with a Petition for An Order to Show Cause, Respondent requested that the
22 Commonwealth, the petitioner in this case, provide her with the contents of her Labor and
23 Immigration Identification System (LIIDS) file. Since Respondent's request, Commonwealth
24 Immigration has been unable to locate or produce the LIIDS documents for Respondent.

25 As a procedural matter, this case came for hearing on April 6, 2006 at 1:30 p.m. for an Order
26 to Show Cause as to why Respondent should not be deported. At this hearing, attended by the
27 Respondent, Respondent's counsel and the Commonwealth, this Court set the filing deadline for *any*
28

1 motion for April 27, 2006. In fact, the Court set this date twice verbally in exactly the same
2 wording, “any motion” as there appeared to be some initial confusion over the deadline. Then, the
3 Court filed and served its Order fixing the deadlines on *any* motion for April 27, 2006, on April 12,
4 2006. Respondent filed her motion to compel production of her LIIDS file on May 11, 2006—shortly
5 before the hearing time set for arguing the motions that afternoon. Respondent thus filed her motion
6 approximately 14 days after the Court’s deadline had passed. Respondent nevertheless requests
7 this Court to enforce her motion to Compel.

8 III. DISCUSSION

9 A. Respondent’s Motion is Untimely

10 A Court not only has the power to manage its docket, but a duty that is concomitant with this
11 power. Respondent’s counsel, in his incredulity regarding enforcement of motion deadlines, has not
12 only shown contempt for this Court’s deadlines but also for other Commonwealth residents who
13 depend on this Court to manage its docket efficiently and effectively. This Court is on record as
14 strictly upholding the Commonwealth Rules, particularly with regard to deadlines mandated by the
15 Rules, and as such, has little tolerance for unexcused tardy filings.

16 [D]elays are a particularly abhorrent feature of today’s trial practice. They increase the
17 cost of litigation, *to the detriment of the parties enmeshed in it*; they are one factor
18 causing disrespect for lawyers and the judicial process; and they fuel the increasing
resort to means of non-judicial dispute resolution. Adherence to reasonable deadlines
is critical to restoring integrity in court proceedings.

19 *Geiserman v. MacDonald*, 893 F.2d 787, 791 (5th Cir. 1990) (*emphasis added*).

20 This Court has already adopted the policy in *Marshall v. Gates*:

21 Rules are rules-and the parties must play by them. In the final analysis, the judicial
22 system depends heavily on the judge’s credibility. To ensure such credibility, a district
23 judge must often be firm in managing crowded dockets and demanding adherence to
announced deadlines. If he or she sets a reasonable due date, parties should not be
allowed to casually flout it or painlessly to escape the foreseeable consequences of
noncompliance.

24 812 F. Supp. 1050, 1056 (C.D. Cal. 1993), *rev’d on other grounds*, 39 F.3d 1046 (1994). Strictly
25 enforcing the rules of this Court is fundamental in maintaining the predictability of the law and fair
26 treatment of all parties involved. It also fosters the efficient and inexpensive disposition of all matters
27 brought before the Court.

1 Respondent's Motion to Compel was filed 14 days beyond the Court's deadline, which was set
2 forth several times. Consequently, this Court has sufficient grounds under its inherent power under
3 Rule 1 to ignore the tardy filing and will do so. Com. R. Civ. P. 1. Further, Respondent's self-serving
4 statement that "procedural motions are almost always in order" is entirely without merit. If counsel for
5 Respondent had endeavored to support his vacuous claims with written law, the Court might entertain
6 them. However, in this case, Respondent cites no law which support his proposition that "procedural
7 motions are almost always in order"—rhetoric which almost always enjoys no credibility in this Court.
8 Should counsel continue to make frivolous and unfounded arguments, this Court will not hesitate to
9 employ the full breadth of its sanctioning powers. Counsel is reminded of Rule 11 and his ethical duty
10 of candor to the Court.

11 **B. Computer Summaries Are an Acceptable Substitute for the LIIDS File**

12 In her request for her LIIDS files, Respondent has insisted that the computer version of the
13 files is insufficient to prepare a defense. However, Respondent has failed to make any showing
14 whatsoever to demonstrate why she needs the original files or inversely, why the computerized
15 version of Respondent's LIIDS files are insufficient in preparing her defense. In light of the rather
16 simple nature of this case, i.e. whether Respondent overstayed her permission to live in the
17 Commonwealth, this Court sees no apparent reason why an original document would help prepare a
18 defense any better than a computer copy. Consequently, Respondent's Motion to Compel is
19 DENIED for untimeliness and on the substantive ground that it is meritless.

20 **IV. CONCLUSION**

21 For the foregoing reasons, Respondent's Motion to Compel is DENIED.

22 It is further ordered that Respondent appear for a status conference on June 22, 2006 at 1:30
23 p.m. in courtroom 223A.

24
25 **SO ORDERED** this 14th day of June, 2006.

26
27 /s/ _____
DAVID A. WISEMAN, Associate Judge