



By Order of the Court, Judge Joseph N. Camacho

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**FOR PUBLICATION**



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

<b>COMMONWEALTH UTILITIES CORPORATION,</b>	)	<b>CIVIL ACTION NO. 13-0226</b>
	)	
<b>Plaintiff,</b>	)	<b>ORDER DENYING DEFENDANT CNMI'S</b>
	)	<b>MOTION FOR SUMMARY JUDGMENT</b>
<b>v.</b>	)	<b>BECAUSE THE "CREATURE OF THE</b>
	)	<b>STATE" DOCTRINE DEFINES THE</b>
<b>COMMONWEALTH OF THE</b>	)	<b>LIMITS OF CONSTITUTIONAL</b>
<b>NORTHERN MARIANA ISLANDS,</b>	)	<b>STANDING AFFORDED TO POLITICAL</b>
	)	<b>SUBDIVISIONS (PROVERBIAL SWORD)</b>
<b>Defendant.</b>	)	<b>AND THE "ARM OF THE STATE"</b>
	)	<b>DOCTRINE ALLOWS A PUBLIC</b>
	)	<b>ENTITY ELEVENTH AMENDMENT</b>
	)	<b>CONSTITUTIONAL PROTECTIONS AS</b>
	)	<b>IF A STATE (PROVERBIAL SHIELD);</b>
	)	<b>AND ORDER DENYING DEFENDANT</b>
	)	<b>CNMI'S UNTIMELY MOTION FOR</b>
	)	<b>RECONSIDERATION PURSUANT TO</b>
	)	<b>NMI R. CIV. P. 59(e)</b>
	)	

**I. INTRODUCTION**

This matter came before the Court on March 1, 2016 at 1:30 p.m. in Courtroom 220A on Defendant's motion for summary judgment. Defendant Commonwealth of the Northern Mariana Islands ("the Government") was represented by Assistant Attorney General David Lochabay. Plaintiff Commonwealth Utilities Corporation (CUC) was represented by Michael A. White.

Based on a review of the filings, oral arguments, and applicable law, the Government's motion for summary judgment is **DENIED** because the "arm of the state" doctrine allows a public entity to claim Eleventh Amendment sovereign immunity against a private litigant in federal court;

1 not for the state to claim immunity against a public corporation in state court. In addition, the  
2 Government's motion for summary judgment which is, in effect, a motion for reconsideration, is  
3 **DENIED** because the motion is untimely, pursuant to the ten-day deadline provided under NMI R.  
4 Civ. P. 59(e).

## 5 **II. BACKGROUND**

### 6 **A. Complaint**

7 On December 10, 2013, CUC<sup>1</sup> filed a complaint alleging that the Government was indebted  
8 to the utility company in the principal sum of \$1,241,137.86, together with pre-judgment interest.  
9 CUC alleges that the Government breached their utility contract.

### 10 **B. Order Denying the Government's Motion to Dismiss**

11 On February 12, 2014, the Government moved to dismiss the complaint. At the time, the  
12 Government argued that CUC, a public utility corporation, lacked capacity to sue the state. In a  
13 published order, issued on September 3, 2014, the Court denied the Government's motion, noting  
14 three points. *See generally CUC v. Commonwealth*, No. 13-0226 (NMI Super. Ct. Sept. 3, 2014)  
15 (Order Denying Commonwealth's Mot. to Dismiss for Lack of Capacity). First, that the  
16 Commonwealth Code explicitly and unambiguously imposed liability on government utility  
17 consumers for breach of contract claims. *Id.* at 7 (citing 4 CMC § 8143(a) (providing that CUC  
18 "shall bill all consumers, including government consumers and all government buildings . . . .");  
19 (citing 7 CMC § 2251(b) (exempting contract claims from government immunity)).

20 Second, that upon review of all of the state of emergency executive orders issued by the  
21 Governor, none of the executive orders suspended CUC's statutory-created ability to bill  
22 government utility consumers. *Id.* at 5. Accordingly, the laws that impose contract liability on the  
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24 <sup>1</sup> CUC is the sole utilities provider in the Commonwealth of the Northern Mariana Islands, providing water, power, and sewerage services.

1 Government, as provided under the Commonwealth Utilities Corporation Act of 2008, 4 CMC §§  
2 8111–8196, 81101, remained in effect. *Id.*

3 Third, that the Government's "creature of the state" argument was broadly a case of  
4 overgeneralization of the constitutional principle that a political subdivision cannot sue its creator,  
5 the state. *Id.* at 6. The creature of the state doctrine, however, does not apply to public corporations,  
6 such as CUC; only as to political subdivisions, such as municipal corporations. *CUC*, No. 13-0226  
7 (Order Denying Commonwealth's Mot. to Dismiss for Lack of Capacity at 7) ("Here, the plaintiff is  
8 a utility corporation, not a political subdivision such as a municipality."). Accordingly, the law  
9 provides that if a contract exists between CUC and the Government; then the Government could be  
10 liable for breach of contract. *Id.* at 8 (citing 4 CMC § 8143(a); 7 CMC § 2251(b)).

11 **C. NMI Supreme Court Denies the Government's Petition for Writ of Mandamus**

12 In response, on September 15, 2014, three days after entry of the Court's order denying the  
13 Government's motion to dismiss, the Government petitioned the NMI Supreme Court for a writ of  
14 mandamus seeking to overturn the Court's order. The NMI Supreme Court denied the Government's  
15 petition. The NMI Supreme Court held that the Government failed to demonstrate that the trial  
16 court's ruling was in clear error. *Commonwealth v. CUC*, 2014 MP 21 ¶ 10.

17 The NMI Supreme Court explained, in *arguendo*, that "even if the [NMI Supreme] Court  
18 [were to agree] with the [Government]'s position that the common law controls and CUC is a state  
19 agency, there is a rationale argument that CUC has capacity to sue the [Government]." *Id.* ¶ 12.  
20 Specifically, the NMI Supreme Court pointed to the *City of New York's* proprietary interest  
21 exception, which permits a political subdivision to sue the state over a proprietary interest. *City of*  
22 *New York*, 655 N.E.2d at 652. CUC provides utilities services to the Government and, in exchange,  
23 CUC is paid for those services. Accordingly, the NMI Supreme Court held that, if *City of New*  
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1 *York's* proprietary interest exception were applicable to the case,<sup>2</sup> CUC may have a proprietary  
2 interest in those contract-obligated payments. *CUC*, 2014 MP 21 ¶ 13.

3 **D. Government's Motion for Summary Judgment**

4 Now, the Government seeks a summary judgment in its favor based on the argument that  
5 CUC, being an arm of the state, has no capacity to enter into a contract with the state. The  
6 Government further argues that neither this Court nor the NMI Supreme Court has addressed the  
7 issue to a sufficient conclusion. CUC filed a timely opposition.

8 **III. LEGAL STANDARDS**

9 **A. Summary Judgment (NMI R. Civ. P. 56)**

10 Under NMI R. Civ. P. 56, a moving party has the initial burden to show that he or she is  
11 entitled to summary judgment. *Furuoka v. Dai-Ichi Hotel (Saipan), Inc.*, 2002 MP 5 ¶ 22. If the  
12 moving party is the plaintiff, he or she must show that the undisputed facts establish every element  
13 of his or her claim. *Id.* If the defendant is the moving party, he or she must either show that the  
14 undisputed facts establish every element of an asserted affirmative defense or that the plaintiff  
15 cannot establish his or her prima facie case. *Id.* ¶¶ 22, 23.

16 If the moving party satisfies the initial burden, the nonmoving party must respond by  
17 showing that there is a genuine issue of material fact. *Id.* ¶ 24. If the nonmoving party cannot, then  
18 the court may grant summary judgment to the moving party as a matter of law. NMI R. Civ. P.  
19 56(c). In considering the motion, the court views facts and inferences in the light most favorable to  
20 the non-moving party. *Fujie v. Atalig*, 2014 MP 14 ¶ 7.

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24 <sup>2</sup> See generally *CUC*, 2014 MP 21 (limiting analysis, upon application for writ of mandamus, to whether a rationale argument could have supported the trial court's ruling).

1 **B. Motion for Reconsideration (NMI R. Civ. P. 59(e))**

2 Under NMI R. Civ. P. 59(e), within ten days after entry of a judgment, the movant carries  
3 the burden to show that “an intervening change of controlling law, the availability of new evidence,  
4 or the need to correct a clear error or prevent manifest injustice” warrants relief. *Camacho v. J.C.*  
5 *Tenorio Enter.*, 2 NMI 407, 414 (1992). Reconsideration is an extraordinary remedy and the  
6 moving party must meet an “exceedingly difficult” burden. *Soto-Padro v. Public Bldgs. Auth.*, 675  
7 F.3d 1, 9 (1st Cir. 2012). Commonwealth law favors the finality of court decisions, to “maintain  
8 consistency and avoid reconsideration of matters once decided during the course of a single  
9 continuing lawsuit.” *Cushnie v. Arriola*, 2000 MP 7 ¶ 14. Accordingly, it is the general practice of  
10 the court “to refuse to reopen what has been decided.” *Id.*

11 **IV. DISCUSSION**

12 The Government's motion is denied for two reasons. First, the arm of the state doctrine is a  
13 test to determine whether a public entity can claim Eleventh Amendment sovereign immunity  
14 against a private litigant in federal court—not as to whether the state can claim immunity against a  
15 public corporation for breach of contract in a state court. Second, the Government repeats its  
16 arguments from its denied motion to dismiss; which is, in effect, an untimely motion for  
17 reconsideration.<sup>3</sup>

18 **A. Arm of the State Doctrine**

19 The Government argues that CUC is an arm of the state—a distinctive status that exists  
20 outside of the creature of the state doctrine.<sup>4</sup> The Government asserts that CUC, as an arm of the  
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22 <sup>3</sup> While the Government has submitted a list of undisputed facts, those facts are not material to the summary judgment  
23 ruling. Therefore, NMI R. Civ. P. 56(d) does not require the Court to issue a determination of the undisputed and  
disputed material facts.

24 <sup>4</sup> The creature of the state doctrine is a constitutional principle that generally states that a political subdivision may not  
sue the state, its creator. *See, e.g., City of New York*, 655 N.E.2d at 651. In contrast, the arm of the state doctrine is a  
constitutional doctrine that allows a public entity to claim Eleventh Amendment sovereign immunity against a private

1 state, could not have entered into a contract with the Government. *E.g.*, Def.'s Mot. at 17 ("As  
2 [CUC] is an arm of the state, it cannot contract with the state."). CUC did not address this argument  
3 in its opposition; but the question is familiar to the Court because the Government's arm of the state  
4 argument, as presented on pages 14 through 15 of its motion for summary judgment, is largely a  
5 repeat of the argument first brought on pages 8 through 12 of the Government's reply, filed in  
6 response to CUC's opposition to the motion to dismiss on June 18, 2014.

7 In fact, the Court addressed the Government's arguments in its order denying the  
8 Government's motion to dismiss. *See CUC*, No. 13-0226 (Order Denying Commonwealth's Mot. to  
9 Dismiss for Lack of Capacity at 8) (holding that determining whether a public entity is equivalent to  
10 the state for purposes of evaluating a claim for sovereign immunity is not proper in the context of  
11 whether the state is immune to a breach of contract claim brought by a public corporation).  
12 However, because the Court's discussion on this topic in its order denying the motion to dismiss  
13 was brief; a fuller explanation is presented below.

14 **1. Creature of the State Doctrine (Proverbial Sword) v. Arm of the State Doctrine**  
15 **(Proverbial Shield)**

16 For the following reasons, the law requires that the creature of the state doctrine exists  
17 independently from the arm of the state doctrine because the creature of the state doctrine defines  
18 the limits of constitutional rights afforded to political subdivisions when they sue the state, *e.g.*,  
19 *City of New York*, 655 N.E.2d at 651; while the arm of the state doctrine defines the extent of  
20 constitutional protections afforded to the broader category of public entities when sued by private  
21 litigants, *e.g.*, *Mitchell v. Los Angeles Community School District*, 861 F.2d 198, 201 (9th Cir.  
22 1988). To illustrate the matter, the creature of the state doctrine explains the limits of a political  
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24 litigant in federal court. *See, e.g., Mitchell v. Los Angeles Cmty. Sch. Dist.*, 861 F.2d 198, 201 (9th Cir. 1988). *See infra*  
Part IV.A.1 (explaining the difference between the two doctrines).

1 subdivision's proverbial sword; the arm of the state doctrine explains the extents of a public entity's  
2 proverbial shield.

3         The general principle behind the creature of the state doctrine is that a political subdivision  
4 has limited constitutional powers: "[b]eing but creatures of the State, [political subdivisions] have  
5 no standing to invoke the contract clause or the provisions of the Fourteenth Amendment of the  
6 Constitution in opposition to the will of their creator." *Coleman v. Miller*, 307 U.S. 433, 441 (1939).  
7 There is an exception to this general principle, as the NMI Supreme Court recognized in *CUC*, 2014  
8 MP 21 ¶ 12, where a state law adversely affects a political subdivisions' proprietary interest in a  
9 specific fund of moneys. (citing *City of New York*, 655 N.E.2d at 652). Accordingly, the creature of  
10 the state doctrine stands for the constitutional principle that a political subdivision has significant—  
11 but not impossible—legal barriers to suing the state.

12         On the other hand, the general principle behind the arm of the state doctrine is the Eleventh  
13 Amendment to the United States Constitution. *See, e.g., Mt. Healthy City Sch. Dist. Bd. of Educ. v.*  
14 *Doyle*, 429 U.S. 274, 280–81 (1977) ("The issue here thus turns on whether Mt. Healthy Board of  
15 Education is to be treated as an arm of the State partaking of the State's Eleventh Amendment  
16 immunity, or is instead to be treated as a municipal corporation or other political subdivision to  
17 which the Eleventh Amendment does not extend."). The Eleventh Amendment prohibits suits in  
18 federal courts against state governments in law, equity, or admiralty, by a state's own citizens, by  
19 citizens of another state, or by citizens of foreign countries. *See* U.S. Const. amend. XI; *but see*  
20 *generally Alden v. Maine*, 527 U.S. 706 (1999) (holding that sovereign immunity bars suits against  
21 state governments in state courts without their consent).<sup>5</sup> The arm of the state doctrine allows a  
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23 <sup>5</sup> The Court notes that the Commonwealth does not enjoy sovereign immunity under current Ninth Circuit  
24 jurisprudence. *See Christian v. Commonwealth*, Case No. 1:14-CV-00010 (NMI Dist. Ct. Apr. 24, 2015) (Decision and  
Order at 17) (citing *Fleming v. DPS*, 837 F.2d 401, 405, 407 (9th Cir. 1988)); *but see, e.g., Marine Revitalization Corp.*  
*v. DLNR*, 2010 MP 18 ¶ 8 (describing 7 CMC § 2251(b) as a waiver of sovereign immunity).

1 public entity to enjoy the constitutional protections of the Eleventh Amendment, as if it were a  
2 state. *See, e.g., Doyle*, 429 U.S. at 280–81.

3       The Government claims that "many of the cases cited in support of a finding of arm of the  
4 state apply equally to an argument for creature of the state to the extent that creatures and arms of  
5 the state lack capacity to sue the state." Def.'s Reply at 3. But the Government did not cite any case  
6 law to support the notion that the two distinct constitutional doctrines have independent grounds to  
7 prevent a public entity from proceeding to trial against the state; in fact, the two doctrines serve  
8 different purposes in the course and context of litigation.<sup>6</sup> The creature of the state doctrine explains  
9 the limits of a political subdivision's powers to sue the state as a question of constitutional standing  
10 (the proverbial sword); while the arm of the state doctrine explains the constitutional protections  
11 afforded to a public entity, pursuant to the Eleventh Amendment—from suits brought by a state's  
12 own citizens, by citizens of another state, or by citizens of foreign countries (the proverbial shield).  
13 Therefore, even if a public entity was considered a creature of the state and was barred by the  
14 general prohibition to sue the state; it could still claim Eleventh Amendment sovereign immunity  
15 against a private litigant in federal court under the arm of the state doctrine.

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19 <sup>6</sup> None of the Government's citations to case law in its memorandum of points and authorities hold that a public  
20 corporation cannot form a contract with the state because of the arm of the state doctrine. *E.g., Alaska Commercial*  
21 *Fishing & Agricultural Bank v. O/S Alaska Coast*, 715 P.2d 707 (Alaska 1986) (determining whether a state agency's  
22 mortgage lien should merge with the state's); *Inland Waterways Corp. v. Young*, 309 U.S. 517 (1940) (determining  
23 whether deposits to an insolvent bank made by federal agencies are public monies under the National Banking Act);  
24 *Clallam Cty. v. United States*, 263 U.S. 341 (1923) (determining whether the state could impose a tax on the property of  
a corporation organized by the federal government); *Emergency Fleet Corp. v. Western Union*, 275 U.S. 415 (1928)  
(determining whether a public corporation is entitled to certain reduced rates fixed by the Postmaster General for  
telegraphic messages under the meaning of the Post Roads Act); *United States Grain Corp. v. Phillips*, 261 U.S. 106  
(1923) (determining whether an officer of the United States Navy operating a vessel under Navy command was entitled  
to compensation for transporting gold during war time, even if the transport duties were conducted under a corporate  
name). All of these cases involve the effects of the pertinent law on a public entity—a law that the Government has not  
identified for the Government's argument that a public corporation, like CUC, cannot form a contract with the state  
because of the arm of the state doctrine.

1 **2. The Government Misapprehends the Arm of the State Doctrine**

2 Accordingly, the Government’s suggested application of the arm of the state doctrine is not  
3 appropriate in the context of a breach of contract claim brought by a public corporation against the  
4 government in a state court: the test is specifically for whether a public entity can claim Eleventh  
5 Amendment sovereign immunity in federal court against a private litigant. *See, e.g., Mitchell*, 861  
6 F.2d at 201 (“We hold that, under California law, the [community college] district is a state entity  
7 that possesses eleventh amendment immunity from the appellant's section 1981, 1983 and 1985  
8 claims in damages and for injunctive relief.”).

9 CUC, a public utility corporation, is not claiming Eleventh Amendment sovereign immunity  
10 in this matter against any private litigant, pursuant to the arm of the state doctrine—a doctrine that  
11 allows a public entity to assert the shield of sovereign immunity in order to avoid being sued in  
12 federal court. As this Court previously held in its order denying the Government's motion to  
13 dismiss, the arm of the state doctrine is inapplicable to this case.<sup>7</sup> Therefore, the Government's  
14 motion for summary judgment is denied.

15 **B. Motion for Reconsideration**

16 CUC also argues that the Government seeks a reconsideration of the Court's order denying  
17 the Government's motion to dismiss. In response, the Government argues that arguments brought in  
18 its motion for summary judgment are entirely new because “[the Government] cited only creature of  
19 the state and lack of capacity cases, the most important of which was [*City of New York*, 655 N.E.2d  
20 at 649].”<sup>8</sup> Def.'s Reply at 2. The Government's characterization of its motion for summary judgment

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23 <sup>7</sup> *CUC*, No. 13-0226 (Order Denying Commonwealth's Mot. to Dismiss for Lack of Capacity at 8) (“Instead, the  
Commonwealth cites a multitude of cases in contexts different from the matter at hand where courts consider whether a  
[public entity] is equivalent to the state for purposes such as tax exemption, sovereign immunity, exemption from jury  
trial, or qualification for governmental telecommunication fees.”) (emphasis added).

24 <sup>8</sup> *See supra* Parts II.B, C. (discussing the *City of New York's* proprietary interest exception).

1 is not accurate;<sup>9</sup> and is, in effect, a motion for reconsideration, brought pursuant to NMI R. Civ. P.  
2 59(e) because, as explained below, the Government's motion substantially repeats the same  
3 arguments brought in its motion to dismiss, filed more than two years ago, on February 12, 2014.

4 Motions for reconsideration are brought pursuant to NMI R. Civ. P. 59(e).<sup>10</sup> *See, e.g.,*  
5 *Commonwealth v. Arurang*, No. 14-0209 (NMI Super. Ct. Jun. 16, 2015) (Order Granting in Part  
6 Commonwealth's Mot. to Reconsider at 4 n.3). Any motion for reconsideration must be filed within  
7 ten days of the entry of the order. *See* NMI R. Civ. P. 59(e) ("A motion to alter or amend the  
8 judgment shall be served not later than 10 days after entry of the judgment."). The law does not  
9 favor reconsideration of court orders. Court rulings are issued so as to ensure finality to the court's  
10 decisions, and will not be disturbed so long as unusual circumstances, like error, are not present.  
11 *See Cushnie*, 2000 MP 7 ¶ 30. These governing legal principles on reconsideration serve "to protect  
12 both the court and parties against the burdens of repeated [arguments] by indefatigable diehards."  
13 *Aldan-Pierce v. Mafnas*, 1999 MP 11 ¶ 17.

14 Accordingly, the Government's motion for summary judgment is, in effect, a motion for  
15 reconsideration because all of the arguments brought by the Government in the instant motion are  
16 the same arguments brought in its previously filed motion. Upon close inspection of the  
17 Government's motion for summary judgment, it is clearly evident that the Government repeats  
18 verbatim the same language brought in its motion to dismiss, filed on February 12, 2014. For  
19 example, pages 10 through 14 of the Government's motion of the summary judgment contain the  
20 exact same language as pages 7 through 12 of the Government's motion to dismiss.<sup>11</sup> While slightly

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22 <sup>9</sup> *See supra* Part IV.A. (discussing that the Government's arm of the state argument was brought in its reply, filed on  
June 18, 2014).

23 <sup>10</sup> *See supra* Part III.B. (explaining the standard on a motion for reconsideration, brought pursuant to NMI R. Civ. P.  
59(e)).

24 <sup>11</sup> Also upon close inspection, pages 6 through 10 of the Government's motion for summary judgment is nearly identical  
to pages 1 through 5 of the Government's motion to dismiss. These portions, however, contain largely background  
information and the inclusion is helpful.

1 different in wording, pages 14 through 15 of the Government's motion for summary judgment,  
2 containing arguments applying the arm of the state doctrine,<sup>12</sup> also repeats the substantive  
3 arguments first brought on pages 8 through 12 of the Government's reply, filed in response to  
4 CUC's opposition to the motion to dismiss on June 18, 2014.<sup>13</sup> Therefore, the Government's  
5 arguments are repeated arguments. *E.g.*, *Aldan-Pierce*, 1999 MP 11 ¶ 10. Accordingly, the  
6 Government's motion for summary judgment is, in effect, a motion for reconsideration of the order  
7 denying the Government's motion to dismiss, filed on February 12, 2014.

8         The law requires that motions for reconsideration are brought within ten days of the entry of  
9 the order. *See* NMI R. Civ. P. 59(e). The entry of the order denying the Government's motion to  
10 dismiss was entered on September 2, 2014. The Government's motion for summary judgment which  
11 is, in effect, a motion for reconsideration, was filed on December 31, 2015. There is more than a  
12 year difference between the two events.<sup>14</sup> Therefore, the Government's motion for reconsideration is  
13 denied for being untimely, pursuant to NMI R. Civ. P. 59(e), because it was brought after ten days  
14 of the entry of the order.

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20 <sup>12</sup> *See supra* Part IV.A. (explaining that the arm of the state doctrine allows a public entity to claim Eleventh  
Amendment sovereign immunity in a federal court).

21 <sup>13</sup> *See supra* Part IV.A. (explaining that the Government brought its arm of the state argument over two years ago before  
this Court in its motion to dismiss, filed on February 12, 2014).

22 <sup>14</sup> The Court notes that the filing of a petition for writ of mandamus does not automatically toll the filing of a motion for  
23 reconsideration. *See, e.g., SEC v. Citigroup*, No. 11-5227 (D.N.Y. Dec. 28, 2011) (memorandum order at 8) ("Nor, in  
any event, would the mere application to the Court of Appeals for a writ of mandamus deprive a district court of  
jurisdiction in any respect . . . Indeed, if it were otherwise, a disgruntled litigant who had no statutory basis for an  
interlocutory appeal could nevertheless bring the litigation to a crashing halt by the simple device of filing [a petition  
for writ of] mandamus."). The Government did not file a motion for stay pending the NMI Supreme Court's evaluation  
24 of its petition for writ of mandamus. Therefore, the Government's September 15, 2014 filing of the petition for writ of  
mandamus does not toll the ten day time limit for filing a motion for reconsideration.

1 **V. CONCLUSION**

2 Accordingly, the Government's motion for summary judgment is **DENIED**. In addition, the  
3 Government's motion for summary judgment which is, in effect, a motion for reconsideration is also  
4 **DENIED** for being untimely, pursuant to the ten-day deadline provided under NMI R. Civ. P.  
5 59(e).

6 **IT IS SO ORDERED** this 8th day of August, 2016.

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8 /s/ \_\_\_\_\_  
9 JOSEPH N. CAMACHO  
Associate Judge

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