



FOR PUBLICATION



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By order of the Court, *Presiding Judge Robert C. Naraja*

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

FINANCIAL & INSURANCE )  
SERVICES GROUP, INC., )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
BLANCO BUSINESS VENTURES, INC. )  
DBA SWIRLS, )  
 )  
Defendant. )  
\_\_\_\_\_ )

CIVIL CASE NO. 18-0406

ORDER DENYING DEFENDANT’S  
CROSS-CLAIM

INTRODUCTION

THIS MATTER came before the Court on October 28, 2020 in the Horiguchi Building on 1) Non-Party Sheryl Sizemore’s Motion to Dismiss Defendant Blanco Business Ventures’ Cross-Claims against Ms. Sizemore, and 2) Plaintiff’s motion for summary judgement. Attorney Oliver Manglona, standing in for Robert Torres, represented the Plaintiff. The Defendant was represented by Mark Hanson. Ms. Sizemore was represented by Rexford Kosack, who appeared telephonically. The matter was taken under advisement. After review of the briefs and arguments on the first motion, the Court GRANTS Ms. Sizemore’s Motion to Dismiss the Cross-Claims.

RELEVANT FACTS AND PROCEDURAL BACKGROUND

Financial & Insurance Services Group, Inc. (“FISG”), the Plaintiff, filed this lawsuit under the Holdover Tenancy Act to evict Defendant Blanco Business Ventures, Inc. dba

1 Swirls (“BBV”) from its property. Subsequently on July 17, 2020, the Defendant, BBV,  
2 filed cross-claims against Sheryl Sizemore, who is not a party to the instant case, alleging  
3 Sizemore breached her fiduciary duties to the other shareholders of BBV and the  
4 corporation, BBV, itself. The cross-claim alleged Ms. Sizemore’s self-dealing with FISG  
5 caused BBC substantial harm from the diminution in the value of its assets and the costs  
6 incurred in defending itself in this back-rent lawsuit. Furthermore, the cross-claim alleged  
7 Ms. Sizemore failed to act in BBV’s best interests and that Ms. Sizemore had a conflict of  
8 interest in her dealings between the two corporations. On August 11, 2020, Ms. Sizemore  
9 filed a Motion to Dismiss the cross-claims. Neither the Defendant nor the Plaintiff filed an  
10 opposition to Ms. Sizemore’s Motion to Dismiss. On October 2, 2020, Ms. Sizemore filed a  
11 reply.  
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14 A hearing was held on October 28, 2020 for Ms. Sizemore’s Motion to Dismiss and  
15 Plaintiff’s Motion for Summary Judgment. The Court initially granted Ms. Sizemore’s  
16 Motion to Dismiss, but later took the matter under advisement.  
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### 18 LEGAL STANDARD

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20 The Holdover Tenancy Act does not permit the filing of cross-claims. Rather, a  
21 defendant may only file a counterclaim against the landlord in their answer. No other  
22 pleadings are permitted. *See* 2 CMC § 40206(a). Under Com. R. Civ. P 13(g), a cross-claim  
23 may only be filed against a co-party when the claim arises out of the transaction or  
24 occurrence that is the subject matter of the lawsuit. A claim must be denied under Com. R.  
25 Civ. P 12(6) when no claim upon which relief may be granted is made.  
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**DISCUSSION**

Ms. Sizemore’s motion to dismiss the cross-claims is granted. First, the Holdover Tenancy Act does not permit the filing of crossclaims. *See* 2 CMC § 40206(a). Moreover, Com. R. Civ. P 13(g) only permits cross-claims against persons or entities who are parties to the litigation. The only parties to litigation here are FISG and BBV. A crossclaim may not be filed against Ms. Sizemore under Rule 13(g).1 because she is not a party to the litigation. It may, however, be possible to add Ms. Sizemore as a party under Civil Procedure Rules 19 or 20 should the Defendant wish to do so. However, no relief can be granted on this cross-claim and it must be denied under Com. R. Civ. P 12(6).

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**CONCLUSION**

**Based on the reasons stated above,** the Court **GRANTS** Ms. Sizemore’s Motion to Dismiss the Defendant’s cross-claim.

**SO ORDERED** this 11th day of December, 2020.

/s/  
**ROBERTO C. NARAJA**, Presiding Judge