IN THE

Supreme Court

OF THE

Commonwealth of the Northern Mariana Islands

JOETEN MOTOR COMPANY, INC.,
Plaintiff-Appellant,
v.

ALICIA DLG. LEON GUERRERO,
Defendant-Appellee.

Supreme Court No. 2019-SCC-0012-CIV

OPINION

Cite as: 2020 MP 14

Decided June 15, 2020

ASSOCIATE JUSTICE JOHN A. MANGLOÑA
ASSOCIATE JUSTICE PERRY B. INOS
JUSTICE PRO TEMPORE ROBERT J. TORRES, JR.

Superior Court Civil Case No. 18-0395
Associate Judge Wesley M. Bogdan, Presiding

MANGLOÑA, J.:

¶ 1 Plaintiff-Appellant Joeten Motor Company, Inc. ("Joeten") appeals the Superior Court's Final Judgment and Order Awarding Costs and Attorney's Fees ("Final Judgment"). It argues the court: (1) erred in vacating the Superior Court Clerk of Court's ("Clerk") entry of default judgment; (2) abused its discretion in failing to award the full requested costs; and (3) abused its discretion in failing to award the full requested attorney's fees. For the following reasons, we REVERSE the Final Judgment and REMAND for reentry of the Clerk's default judgment.

I. FACTS AND PROCEDURAL HISTORY

¶ 2 Alicia DLG. Leon Guerrero ("Leon Guerrero") purchased a vehicle on an installment payment plan from Joeten. After defaulting on her payments, Joeten sued to recover the balance. When Leon Guerrero failed to answer the complaint, Joeten requested, and the Clerk entered, a default against her. Joeten filed a request for a default judgment of $2,836.50, consisting of $2,100.00 in principal, $475.00 in attorney's fees, and $261.50 in costs, which the Clerk entered under Commonwealth Rule of Civil Procedure 55 ("Rule 55").

¶ 3 After the entry of default judgment, the trial court sua sponte entered an order setting a hearing on the request for default judgment and informing counsel to be prepared to discuss attorney's fees, interest, and costs. In its Partial Default Judgment issued after the hearing, the court allowed the Clerk's entry of default judgment as to the principal amount. It vacated the entry as to attorney's fees and costs, holding those were "damages" the Clerk may not administratively enter. The trial court vacated the judgment under Commonwealth Rule of Civil Procedure 60(a) ("Rule 60(a)"), which says the court may correct a clerical mistake or one of oversight or omission.[1] *Joeten Motor Co., Inc. v. Alicia DLG Leon Guerrero*, Civil Action No. 18-0395 (NMI Super. Ct. May 3, 2019) (Partial Default Judgment at 1). The court did, however, grant Joeten the opportunity to substantiate its request for attorney's fees and costs.

¶ 4 After a hearing on attorney's fees and costs, the court awarded attorney's fees of $120.00, based on the procedure set out in *In re Estate of Malite*, 2016 MP 20, the factors in Model Rule of Professional Conduct 1.5, and NMI Rule of Indigent Representation 80. *Joeten Motor Co., Inc. v. Alicia DLG Leon Guerrero*,

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[1] Rule 60(a) states:

> Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

COM. R. CIV. P. 60(a) (repealed January 9, 2019).

Civil Action No. 18-0395 (NMI Super. Ct. Aug. 13, 2019) (Final Judgment at 8–9). This reduced attorney's fees by $280.00. Because the court maintained this action should have been filed as a small claims case rather than a civil case, it awarded costs of $86.50, a reduction of $175.00. Final Judgment at 3.

¶ 5 Joeten appeals the Final Judgment.

II. JURISDICTION

¶ 6 The Supreme Court has jurisdiction over final judgments and orders of the Commonwealth Superior Court. NMI CONST. art. IV, § 3.

II. STANDARDS OF REVIEW

¶ 7 We review de novo the court's decision vacating the default judgment under Rule 60(a). *Torres v. Fitial*, 2008 MP 15 ¶ 8.[2] We review de novo whether the Clerk had authority to enter the default judgment. *J.C. Tenorio Enterprises, Inc. v. Uddin*, 2006 MP 22 ¶ 9. We review for an abuse of discretion the failure to award the full requested costs. *Ishimatsu v. Royal Crown Ins., Corp.*, 2010 MP 8 ¶ 64; *In re Estate of Aldan*, 1997 MP 3 ¶ 17.

III. DISCUSSION

A. Default Judgment

¶ 8 Joeten asserts the court incorrectly vacated the Clerk's default judgment under Rule 60(a) because the purported error was legal rather than clerical. It also argues the principal sum, attorney's fees, and costs collectively constitute a "sum certain" for which the Clerk may enter default judgment. Joeten argues the attorney's fees are a sum certain that can be readily determined under the court's

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[2] Some circuits review this issue (or issues on Federal Rules of Civil Procedure 60(a) and (b)) under an abuse of discretion standard. *Keeley v. Grider*, 590 Fed. App'x 557, 559 (6th Cir. 2014); *Paddington Partners v. Brouchard*, 34 F.3d 1132, 1140 (2d Cir. 1994); *Blanton v. Anzalone*, 813 F.2d 1574, 1577 (9th Cir. 1987).

Other courts distinguish between the decision to enter a corrected judgment under Rule 60(a) and whether Rule 60(a) is the proper rule to correct the judgment, with the former being reviewed under an abuse of discretion and the latter reviewed de novo. *Duke v. Walker & Patterson, P.C.*, 608 B.R. 499, 505 (S.D. Tex. 2019); *Rivera v. PNS Stores, Inc.*, 647 F.3d 188, 191 (5th Cir. 2011); *Peterson v. Jackson*, 253 P.3d 1096, 1102 (Utah Ct. App. 2011); *McCalla v. Royal Maccabees Life Ins. Co.*, 369 F.3d 1128, 1129–30 (9th Cir. 2004) ("Whether state or federal law applies to determine the amount and availability of prejudgment interest, and whether, if federal law applies, such a motion falls under Rule 59(e) or Rule 60(a) are both purely legal questions, reviewed de novo."); *Frost v. Ayojiak*, 957 P.2d 1353, 1355 (Alaska 1998); *DeVaney v. Dep't of Revenue, Child Support Enf't Div. ex rel. DeVaney*, 928 P.2d 1198, 1200 (Alaska 1996).

Here, the issue is whether the court invoked the proper rule, Rule 60(a), in vacating and correcting the default judgment, which will be reviewed de novo.

1992 schedule of attorney's fees in default judgment cases. It maintains the costs were also a sum certain because they were supported by a sworn declaration.

i. Clerical Mistakes

¶ 9 First, we address whether the court can vacate the Clerk's entry of default judgment under Rule 60(a) when the purported error was legal rather than clerical. Rule 60(a) permits the court to correct "[c]lerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission."

¶ 10 NMI and federal courts find that Rule 60(a) applies to clerical mistakes, typically mechanical and typographical errors, rather than errors in substance.[3] *See Fitial*, 2008 MP 15 ¶¶ 10–11; *see also American Trucking Ass'ns, Inc. v. Frisco*, 358 U.S. 133, 145 (1958) (recognizing the court's power and duty to correct judgments and orders that contain clerical mistakes under Rule 60(a)); *Grider*, 590 F. App'x at 559–60 ("[A] court properly acts under Rule 60(a) when it is necessary to 'correct mistakes or oversights that cause the judgment to fail to reflect what was intended at the time of trial.'" (internal citations omitted)); *Rivera*, 647 F.3d at 194 ("Clerical mistakes, inaccuracies of transcription, inadvertent omissions, and errors in mathematical calculation are within Rule 60(a)'s scope; missteps involving substantive legal reasoning are not."); *Blue Cross & Blue Shield Ass'n v. Am. Express Co.*, 467 F.3d 634, 637 (7th Cir. 2006) ("Rule 60(a) cannot be used to change language that was poorly chosen, as opposed to incorrectly transcribed"); *Weeks v. Jones*, 100 F.3d 124, 128–29 (11th Cir. 1996) ("While the district court may correct clerical errors to reflect what was intended at the time of ruling, 'errors that affect substantial rights of the parties . . . are beyond the scope of rule 60(a).'" (quoting *Mullins v. Nickel Plate Mining Co.*, 691 F.2d 971, 973 (11th Cir. 1982))); *Anzalone*, 813 F.2d at 1577 ("Errors correctable under Rule 60(a) include those where what is written or recorded is not what the court intended to write or record."). Beyond the correction of typographical and omissions errors, the Fifth Circuit has articulated more precise bounds for Rule 60(a): "Let it be clearly understood that Rule 60(a) is not a perpetual right to apply different legal rules or different factual analyses to a case. It is only mindless and mechanistic mistakes, minor shifting of facts, and no new additional legal perambulations which are reachable through Rule 60(a)." *United States v. Kellogg (In re W. Tex. Mktg. Corp.)*, 12 F.3d 497, 505 (5th Cir. 1994).

¶ 11 Here, the court incorrectly relied on Rule 60(a) to justify vacating the default judgment, stating that "[t]he default judgment . . . is hereby *vacated under Com. R. Civ. P. 60(a)* as that default judgment contained awards of damages the Clerk of Court *may not administratively enter*." Partial Default Judgment at 1 (emphases added). This language does not express that the Clerk made a

[3] "[I]t is appropriate to consult interpretation of counterpart federal rules when interpreting commonwealth procedural rules; interpretation of such rules can be highly persuasive." *Govendo v. Micronesian Garment Mfg., Inc.*, 2 NMI 270, 283 n.14 (1991).

mechanical, typographical, or mathematical mistake. Rather, the language implies the Clerk did not possess the authority to enter default judgment. In other words, the court's justification is premised on an allegedly legal error rather than a clerical error. This precludes Rule 60(a) as the appropriate vehicle for vacating the default judgment, and does not provide a "perpetual right" to apply or analyze the laws and facts differently. *Kellogg*, 12 F.3d at 505. The court's invocation of Rule 60(a) to vacate the default judgment was therefore an abuse of discretion.

ii. Sum Certain

¶ 12 We next address whether attorney's fees are a sum certain that can be readily determined under the 1992 schedule of attorney's fees in default judgment cases. The references to the Clerk's authority and the awards of damages implicate Commonwealth Rule of Civil Procedure 55(b)(1), which allows the Clerk to enter a default judgment when a plaintiff claims a sum certain or a sum that by computation can be made certain.[4] We provide background on trial court actions affecting the calculation of attorney's fees, the policy implications of such actions, and then discuss whether the appropriate attorney's fees and costs constitute a sum certain.

¶ 13 In 1992, the Presiding Judge issued a notice to counsel setting a schedule of reasonable attorney's fees in default civil cases in which the allowed fixed fees are based on the principal amount claimed in the action. Litigants and attorneys relied on this 1992 Fee Schedule as being reasonable for over twenty years without controversy on record.

¶ 14 However, in November of 2018, the trial judges of the Superior Court, sua sponte, filed *In Re: The 1992 Att'y's Fee Schedule in Civil Default Cases* ("2018 Sua Sponte Action"),[5] Superior Court Action 2018-0001, rescinding the 1992 Fee Schedule. The 2018 Sua Sponte Action determined *In Re Estate of Malite*, 2010 MP 20, and *In Re Estate of Malite*, 2016 MP 20, superseded the 1992 Fee Schedule and set the standard for attorney's fees awards. That standard requires awards of attorney's fees in all case types to undergo a reasonableness determination based on the Model Rules of Professional Conduct Rule 1.5 factors. Parties must also submit a request containing the fee's legal basis and proof of its reasonableness. This is a guideline applied to all active cases at the time of adoption. Notice of the 2018 Action was not provided to litigants in

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[4] Rule 55(b)(1) states:

> When the plaintiff's claim against a defendant is for a sum certain or for a sum which can by computation be made certain, the clerk upon request of the plaintiff and upon affidavit of the amount due shall enter judgment for that amount and costs against a defendant, if the defendant has been defaulted for failure to appear and is not an infant or incompetent person.

COM. R. CIV. P. 55(b)(1) (repealed January 9, 2019).

[5] We take judicial notice of the 2018 Sua Sponte Action under NMI Rule of Evidence 201(b). *Syed v. Mobil Oil Mariana Islands, Inc.*, 2012 MP 20 ¶ 2 n.2.

advance of adopting the guideline, but only about a month after the 2018 Action's adoption.

¶ 15 The 2018 Action, however, lacks authority because the guideline was created in an action where there was no existing case or controversy. The court, in the 2018 Action, sua sponte created a case and then raised and decided an issue of which no party has complained, thereby stepping outside of its role as a court. "The duty of this court, as of every other judicial tribunal, is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon . . . abstract propositions . . . ." *Govendo*, 2 NMI 270, 281 (1991) (quoting *Wong v. Bd. of Regents, Univ. of Hawaii*, 616 P.2d 201, 204 (Haw. 1980)); *see also Bank of Saipan, Inc. v. Atalig*, 2005 MP 3 ¶ 12. A justiciable controversy requires that there be a party with standing to sue and a case ripe for decision. *See Flast v. Cohen*, 392 U.S. 83, 95–99 (1968); *see also In re 2016 Primary Election*, 836 F.3d 584, 587–88 (6th Cir. 2016). Here, there is neither an injured party bringing a redressable issue, nor a case ripe for review. There is therefore no justiciable controversy. Without a case or controversy before it, the court could not sua sponte create an action rescinding the 1992 Fee Schedule and order parties to argue the reasonableness of attorney's fees under the *Malite* cases. And, absent a citation to authority permitting it to undertake such an action, the 2018 Action lacks any force.

¶ 16 As for the substance of the 2018 Action, we find that the two-step process set forth in the *Malite* cases, which involved civil probate cases, is not required for cases that involve default judgments. We also note that the 2018 Action failed to explain why the *Malite* cases superseded the 1992 Fee Schedule and analyze whether the 1992 Fee Schedule could have been reasonable. The *Malite* cases therefore do not supersede the 1992 Fee Schedule.

¶ 17 We also find the 2018 Action runs contrary to the interest of judicial economy. The 2018 Action's policy appears burdensome because it requires additional filings or hearings. Judicial economy provides "efficiency in the operation of the courts and the judicial system; esp[ecially], the efficient management of litigation so as to minimize duplication of effort and to avoid wasting the judiciary's time and resources." *Judicial Economy*, 726 BLACK'S LAW DICTIONARY (9th ed. 2009); *see also Whiteco Indus., Inc. v. Nickolick*, 549 N.E.2d 396, 398 (Ind. Ct. App. 1990) ("The term 'judicial economy' means the efficient and concise use of judicial time and effort in the administration of justice."). It is well established that certain doctrines and procedures in a variety of contexts promote judicial economy, save judicial time, and prevent needless litigation. *See Thomas v. Arn*, 474 U.S. 140, 147 n.6 (1985); *Gen. Tel. Co. of the Southwest v. Falcon*, 457 U.S. 147, 161 (1982) (Burger, C.J., dissenting); *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 326 (1979); *Brown Shoe Co. v. United States*, 370 U.S. 294, 306 (1962); *Murrel v. People of the Virgin Islands*, 53 V.I. 534, 544–45 (V.I. 2010); *Hiers v. Lemley*, 834 S.W.2d 729, 731 (Mo. 1992). Application of fee schedules is a more efficient process because it eliminates attorney's fees filings or hearings with the court, saving the court time

it could dedicate to other matters, therefore furthering judicial economy. *In re Eliapo*, 468 F.3d 592, 599–600 (9th Cir. 2006) ("[U]se of presumptive fees saves time that a busy bankruptcy court would otherwise be required to spend dealing with detailed fee applications."). We find that reference to a schedule of fixed attorney's fees in default judgment cases would likewise save time and resources and decrease the number of filings.

¶ 18 Other courts have also adopted such fee schedules in the interest of judicial economy. *See Garcia v. Politis*, 122 Cal. Rptr. 3d 476, 479 (Cal. Dist. Ct. App. 2011). In *Garcia v. Politis*, the Second Appellate District for the Court of Appeal of California explained its requirement that parties apply for all relief, including potentially fixed attorney's fees, in its request for entry of default, rather than moving for attorney's fees after a request for entry of default. *Id*. at 478–79. It noted "[this] default judgment procedure is 'designed to clear the court's calendar and files of those cases which have no adversarial quality.'" *Id*. at 479 (quoting *Jones v. Interstate Recovery Serv.*, 206 Cal. Rptr. 924, 926 (Cal. Dist. Ct. App. 1984)). Requiring a response to a motion from a defendant against whom default judgment has already been entered lacked adversarial quality and creates an unnecessary step in the litigation. *Id.* We find this reasoning, which eliminates unnecessary litigation steps and promotes efficient use of the court's calendar, persuasive in this case. Judicial economy supports the application of a fee schedule to requests for attorney's fees.

¶ 19 The 1992 Fee Schedule is such a schedule. Issued by the then Presiding Judge as a notice to counsel, it was an action the court could take at that time in the interest of judicial economy. We do not question the authority used to create the 1992 Fee Schedule; we decide only that it is reasonable. Other state courts have adopted fee schedules to determine attorney's fees awards after a default judgment entered by a clerk of court. *See Molalla Holdings, Inc. v. Akers*, 123 Cal. Rptr. 2d 342, 343–44 (Cal. App. Dep't Super. Ct. 2002); CAL. R. CT. 3.1800; CAL. CONTRA COSTA SUPER. CT. R. 2.40; CAL. SAN DIEGO CTY. SUPER. CT. R. 2.5.10. Those courts have adopted fee schedules under California Rules of Court Rule 3.1800, which allows courts by local rule to establish schedules of attorney's fees the court may use to determine reasonable fee awards in default judgments. CAL. R. CT. 3.1800. California courts in Contra Costa County, San Diego County, and San Francisco County have done so. In their adopted fee schedules, for each range of principal amounts, the schedules provide either a fixed fee or a fixed fee plus a percentage of the amount over the minimum of that principal range. Compared to the 1992 Fee Schedule, these California fee schedules prescribe similar fee awards, one of which deviates by only $25.00 for a principal amount similar to this case. Like California, we agree that such a fee schedule can be used to efficiently determine reasonable attorney's fees awards

in default judgment cases. The 1992 Fee Schedule, and the attorney's fees amount requested in this case, is therefore presumptively reasonable at this time.[6]

¶ 20 Fees indicated in a fee schedule may also be considered a sum certain. In *JC Tenorio Enter., Inc. v. Uddin*, we stated that the question of what constitutes a sum certain "centers around whether the claim sets forth 'a claim capable of simple mathematical computation.'" 2006 MP 22 ¶ 14. "[W]hether the defaulter provided any specifics in its motion as to how the default judgment figures were wrong or how its calculation would differ (without attempting to re-argue defenses from the underlying suit) is [also] relevant to the equation." *Id*. Here, Joeten requested attorney's fees based on the 1992 Fee Schedule. Because it did not deviate from the schedule, no other method for calculating the fee was necessary. The requested attorney's fees are therefore a sum certain under Rule 55(b)(1) for which the Clerk may enter default judgment.

¶ 21 The requested costs also constitute a sum certain. Joeten requested $261.50 for court filing and service fees associated with filing online. Counsel's declaration provided support for such costs. The costs align with the court filing fee schedule. *See* NMI FEE SCHD. The court filing fee schedule anticipates that e-filing and e-service will impose additional costs including "any service charges determined by the E-filing provider." *Id*. The Clerk therefore could reference the court filing fee schedule to verify the requested costs, thereby making this request a sum certain under Rule 55(b)(1) for which the Clerk may enter default judgment.

¶ 22 Joeten's request for attorney's fees and costs was therefore a sum certain for which the Clerk properly entered default judgment. The Final Judgment is therefore reversed. We remand this case for reentry of the Clerk's default judgment. To guide future litigants for efficiency and to avoid wasting time and judicial resources, we address the remaining arguments.[7]

B. Costs

¶ 23 Joeten argues the court abused its discretion in awarding costs lower than requested based on the court's belief this action should have been filed as a small claims action. It argues the court failed to provide a legitimate reason for its award of costs under Commonwealth Rule of Civil Procedure 54(d)(1) ("Rule 54(d)(1)"). Joeten argues Commonwealth Rule of Civil Procedure 83 ("Rule

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[6] The trial court noted the 1992 Fee Schedule has remained in place and unchanged for twenty-six years. We recognize the Superior Court judges' concern and that it may be appropriate for the Supreme Court, exercising proper authority, to modify the schedule.

[7] We do not address Joeten's arguments regarding the court's determination of reasonable attorney's fees in the Final Judgment because the current analysis precludes them. The court's application of the NMI Rules of Indigent Representation in its determination does not find support in our precedent concerning reasonable attorney's fees.

83"),[8] regarding small claims cases, presents parties with a choice to file a case as a civil action or a small claims action.[9] We review the court's failure to award the full requested costs for an abuse of discretion. *Ishimatsu*, 2010 MP 8 ¶ 64; *In re Estate of Aldan*, 1997 MP 3 ¶ 17.

¶ 24 While Rule 83 controls the outcome here, we address the argument concerning Rule 54(d)(1) nonetheless. The NMI Rules of Civil Procedure, statutory authority, and NMI caselaw all indicate that costs are generally allowed for certain types of fees and activities. Rule 54(d)(1) states "costs other than attorneys' fees shall be allowed as of course to the prevailing party unless the court otherwise directs." COM. R. CIV. P. 54(d)(1) (repealed January 9, 2019). Courts allow costs that have been "necessarily incurred for services which were actually and necessarily performed," 7 CMC § 3207, and certain types of recoverable fees, including filing and service fees. 7 CMC § 3208. In *Ishimatsu v. Royal Crown Insurance Corporation*, we clarified that courts have "considerable latitude in awarding costs," which may include expert witness, photocopying, mileage, and telecopying costs. 2010 MP 8 ¶¶ 73–74. There, those costs were affirmed because they were routine, sufficiently investigated, and were "neither unreasonable nor excessive." *Id.* ¶ 74. However, we determined that the court abused its discretion in awarding costs for legal research, as such should be awarded as attorney's fees. *Id.* ¶ 75. Here, under Rule 54(d)(1), the court awarded costs related to filing and service fees to the prevailing party. But the court found them unreasonable because a debt collection case should have been filed in small claims court, which requires lower filing fees and results in a request for lower costs. The court could not consider the costs to be unreasonable because Rule 83, which we examine next, leaves the decision to file the case in small claims court to the party.

¶ 25 Rule 83 governs small claims actions and presents litigants with a choice ultimately impacting the amount of costs incurred, and therefore controls the outcome of this case. Rule 83 states a "plaintiff *may* file a case under this small claims procedure for any civil action within the jurisdiction of the court,

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[8] The more recent NMI Rules of Civil Procedure state that the prior "Commonwealth Rule of Civil Procedure 83 remains in effect until superseded by the promulgation of the Small Claims Rules." NMI R. CIV. P. 83 n.1. The Small Claims Rules have not been promulgated; Commonwealth Rule of Civil Procedure 83 still controls.

[9] Joeten relies on *Chen's Corp. v. Hambros*, 2007 MP 4 ¶ 5, to support its choice to file the case as a civil action rather than a small claims action. In *Hambros*, we held that a small claims case must first be appealed to the Superior Court before being brought before the Supreme Court because it allows the trial court to assess the case using more formal rules of evidence and procedure and set a more adequate record. *Id.* ¶ 5. *Hambros* reiterates that civil actions avail parties of the formal rules of evidence and procedure. *Id.* But *Hambros*, and Joeten's lack of explanation as to why this debt collection case against a pro se defendant requires formal rules of evidence and procedure, fail to support its argument that this case was properly filed as a civil action. *Hambros* is therefore not dispositive.

involving a claim the value of which is five thousand ($5,000.00) dollars or less . . . .” COM. R. CIV. P. 83(a) (repealed January 9, 2019) (emphasis added). Rule 83 provides the party with flexibility in filing its case as a small claims case or as a civil case; therefore, a reduced award of costs cannot be justified because Rule 83 provides such flexibility. Here, the court awarded costs lower than those requested because the court believed the case should have been filed as a small claims action. A reduced award of costs based on small claims action fees cannot be justified by the court’s opinion about whether the case should be filed in small claims court or not. Rule 83 leaves that choice in the *party*’s hands and courts should award costs accordingly.

¶ 26 The court abused its discretion because Rule 83 leaves the choice concerning what type of action to file with the party. The court should have awarded costs incurred in filing the case as a civil action.

IV. CONCLUSION

¶ 27 For the foregoing reasons, we REVERSE the Final Judgment and REMAND for reentry of the Clerk’s default judgment.

SO ORDERED this 15th day of June, 2020.

/s/
JOHN A. MANGLOÑA
Associate Justice

/s/
PERRY B. INOS
Associate Justice

/s/
ROBERT J. TORRES, JR.
Justice Pro Tempore

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