Rolando S. TANOCO
vs.
SOUTHERN CROSS
INVESTMENT CORPORATION,
et al.

Civil Action No. 86-769 Commonwealth Trial Court

Decided April 22, 1987

1. Settlement and Compromise - Court Review

The court has inherent power to review settlements of parties in actions pending before the Court and to accept or reject the parties' settlement.

2. Attorneys' Fees - Waiver Labor - Wage Claims - Attorneys' Fees

Statutory mandate requiring liquidated damages and attorneys fees does not preclude the plaintiff, a nonresident worker, from waiving these particular remedies pursuant to a court approved settlement agreement. 3 CMC §4447(d).

Jane Mack 1 MICRONESIAN LEGAL SERVICES CORPORATION - Marianas Office 2 P.O. Box 826 Saipan, CM 96950 3 Phone: 234-6243/7729 4 Attorneys for Plaintiff 5 6 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS 7 COMMONWEALTH TRIAL COURT 8 9 ROLANDO S. TANOCO, 10 8 11 Plaintiff,

vs.

Defendants.

SOUTHERN CROSS INVESTMENT

CORPORATION, et al.,

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CIVIL ACTION NO. 86-769

ORDER AND OPINION

This matter came on for hearing in chambers this 21st day of April 1987 on Defendant's Offer of Judgment and Plaintiff's Reply. The Parties appeared through their respective counsel. The Court has inherent power to review settlements of  $\Pi$ 

parties in actions pending before the Court and to accept or reject the parties' settlement. The Court has reviewed the settlement in this action as reflected by Defendant's Offer of Judgment and Plaintiff's Reply and the parties' counsels' discussion in chambers. The Court finds the settlement is fair 1 2

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WHEREFORE, the Court orders as follows:

- 1. Plaintiff is awarded judgment against Defendant Southern Cross Investment Corp. of Eight Hundred Ten Dollars (810.00) plus cost and value of a one way airplane ticket to Manila, Philippines.
- 2. Defendant Southern Cross Investment Corp. is assessed with costs of this action in the amount of Forty Dollars (\$40.00). Because Plaintiff proceeded in forma pauperis, Defendant shall pay 10 \$ the costs directly to the Clerk of Courts.
  - 3. Defendant shall satisfy the judgment by May 5, 1987.
- 4. Plaintiff shall timely notify the Court of satisfaction 13 % of the judgment. Upon satisfaction of the judgment, the action and 14 g claims against all Defendants and the counterclaims against Plaintiff shall be dismissed with prejudice.
- The Court further finds that the mandate of 3 CMC \$4447(d) 17 3 requiring liquidated damages and attorneys fees does not preclude the Plaintiff, non-resident worker, from waiving these particular remedies. See Evans v. Jeff D., 54 USLW 4359 (U.S. Sup. Ct. 1986). The Court interprets the mandatory language of 3 CMC \$4447(d) as being applicable in situations where the matter is adjudicated either administratively or by the court; 3 CMC \$4447(d) does not mandate the award of fees where the parties have agreed to settle contingent upon a fee waiver and the Court has accepted the settlement.

WHEREFORE, the Court further adopts the settlement fee waiver and orders as follows: Neither Plaintiff nor Plaintiff's counsel is entitled to recover attorney fees from Defendants. IT IS SO ORDERED. 10 8 Prepared & approved as to form only Attorney for Plaintiff Approved as to form only 17 🖁 Joe Hill Attorney for Defendants 

Chief Judge