

TITLE 7: CIVIL PROCEDURE
DIVISION 2: ACTIONS AND SPECIAL PROCEEDINGS

§ 2457. Prefiling Order.

(a) In addition to any other relief provided in this article, the court may, on its own motion or the motion of any party, enter a prefiling order which prohibits a vexatious litigant from filing any new litigation in the courts of the Commonwealth without first obtaining leave of the chief justice or presiding judge of the court where the litigation is proposed to be filed. Disobedience of the order by a vexatious litigant may be punished as a contempt of court.

(b) The chief justice or presiding judge shall permit the filing of that litigation only if it appears that the litigation has merit and has not been filed for the purposes of harassment or delay. The chief justice or presiding judge may condition the filing of the litigation upon the furnishing of security for the benefit of the defendants as provided in 7 CMC § 2454.

(c) The clerk of court may not file any litigation presented by a vexatious litigant subject to a prefiling order unless the vexatious litigant first obtains an order from the presiding justice or presiding judge permitting the filing. If the clerk of court mistakenly files the litigation without the order, any party may file with the clerk and serve, or the chief justice or presiding judge may direct the clerk of court to file and serve, on the plaintiff and other parties a notice stating that the plaintiff is a vexatious litigant subject to a prefiling order as set forth in subsection (a) of this section. The filing of the notice shall automatically stay the litigation. The litigation shall be automatically dismissed unless the plaintiff within 10 days of the filing of that notice obtains an order from the presiding justice or presiding judge permitting the filing of the litigation as set forth in subsection (b) of this section. If the chief justice or presiding judge issues an order permitting the filing, the stay of the litigation shall remain in effect, and the defendants need not plead, until 10 days after the defendants are served with a copy of the order.

(d) For purposes of this section, “litigation” includes any petition, complaint, application, or motion other than a discovery motion, in a proceeding in a Commonwealth Court for any order.

(e) The chief justice or presiding judge of a court may designate a justice or judge of the same court to act on his or her behalf in exercising the authority and responsibilities provided under subsections (a) to (c) of this section, inclusive.

(f) The clerk of the court shall maintain a copy of any prefiling orders issued pursuant to subsection (a) of this section. The clerk of court shall maintain a record of vexatious litigants subject to those prefiling orders and shall annually disseminate a list of those persons to the other clerks of the Commonwealth courts.

Source: PL 21-11, § 2 (§ 107) (Oct. 30, 2019), modified.

Commission Comment: The Commission changed an internal section reference in (b) to reflect section renumbering pursuant to 1 CMC § 3806(c).

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The Commission changed “Courts” to “Court” in (d) and “subdivision” to “subsection” in (c), (e), and (f) pursuant to 1 CMC § 3806(g).