



E-FILED
CNMI SUPERIOR COURT
 E-filed: Jun 02 2020 04:13PM
 Clerk Review: Jun 02 2020 04:13PM
 Filing ID: 65670161
 Case Number: 19-0041-CV
 N/A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

FOR PUBLICATION

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

YUQIN GUI,)	CIVIL ACTION NO. 19-0041
)	
Plaintiff,)	
)	
v.)	ORDER DENYING DEFENDANT’S
)	MOTION FOR RECONSIDERATION
STEPHEN BROWN and IMPERIAL)	
PACIFIC INTERNATIONAL,)	
)	
Defendants.)	
)	

I. INTRODUCTION

On September 17, 2019, Defendant Imperial Pacific International (CNMI), LLC (“Defendant IPI”) filed a Motion for Reconsideration of the Court’s September 6, 2019 Order Denying Defendant IPI’s 12(b)(6) Motion to Dismiss (“September 2019 Order”). The September 2019 Order denied Defendant IPI’s motion to dismiss the intentional infliction of emotional distress (“IIED”) claim brought by Plaintiff Yuqin Gui (“Plaintiff”) because it failed to allege that her supervisor was acting under Defendant IPI’s direction or as Defendant IPI’s alter ego. On September 23, 2019, Plaintiff filed an Opposition to Defendant IPI’s Motion for Reconsideration. Defendant IPI did not file a Reply to Plaintiff’s Opposition. Having reviewed the parties’ submissions and relevant law, the Court hereby issues the following order denying Defendant IPI’s Motion for Reconsideration for the following reasons.

//

By order of the Court, Associate Judge Wesley M. Bogdan

1 **II. LEGAL STANDARD**

2 Rule 54(b) of the Commonwealth Rules of Civil Procedure provides the mechanism for
3 reconsidering interlocutory orders such as the September 2019 Order. Under that rule, an order
4 adjudicating fewer than all claims of all parties “may be revised” at any time before the entry of a
5 judgment by the Court. Com. R. Civ. P. 54(b).

6 In addition, a trial court may reexamine interlocutory orders under its inherent and general
7 discretionary authority. *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882,
8 888 (9th Cir. 2001); *Smith v. Massachusetts*, 543 U.S. 462, 475 (2005) (stating that “[a] district court
9 has the inherent power to reconsider and modify its interlocutory orders prior to the entry of
10 judgment[.]”) (Ginsburg, J., dissenting on other grounds).

11 The grounds to justify reconsideration of an order under Rule 54 are similar to those under
12 Rule 59(e): an intervening change in the controlling law, the availability of new evidence, or the need
13 to correct a clear error or prevent manifest injustice. *See Camacho v. J.C. Tenorio Enter., Inc.*, 2
14 NMI 407, 414 (1992) (citation omitted); *Angello v. Louis Vuitton Saipan*, 2000 MP 17 ¶ 1; *see also*
15 *Hansen v. Schubert*, 459 F. Supp. 2d 973, 998 n.5 (E.D. Cal. 2006) (stating that although the standards
16 applicable to motions for reconsideration of final judgments or orders technically do not delimit the
17 court’s inherent discretion to reconsider interlocutory orders, courts nonetheless find them to be
18 helpful guides to exercise its discretion).¹

19 Courts reconsider previous rulings only in extraordinary circumstances. *See Yuba Natural*
20 *Res., Inc. v. United States*, 904 F.2d 1577, 1583 (Fed. Cir. 1990).

21 //

22 _____
23 ¹ For purposes of reconsideration under Rule 54, district courts may therefore look to the standard on motions for
24 reconsideration of judgments under Rule 59 and Rule 60(b) for guidance. Accordingly, a district court may properly
reconsider its decision if it (1) is presented with newly discovered evidence, (2) committed clear error or the initial
decision was manifestly unjust, or (3) if there is an intervening change in controlling law. *Smith v. Clark Cnty. Sch. Dist.*,
727 F.3d 950, 955 (9th Cir. 2013) (quoting *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993)).

1 **III. DISCUSSION**

2 **A. Arguments.**

3 According to Defendant IPI, research following this Court’s denial of its motion to dismiss
4 Plaintiff’s IIED claim uncovered that the CNMI Superior Court has already held that emotional
5 distress claims which arise out of the employment context are within the confines of the CNMI
6 Workers Compensation Act (the “Act”). In support, Defendant IPI cites *Muna v. Development, Inc.*,
7 No. 96-1115 (NMI Super. Ct. Aug. 10, 1998) (Decision and Order Granting Mot. for Summ. J.), a
8 1998 Superior Court case where the plaintiff raised claims of defamation and emotional injury against
9 an employer defendant. When analyzing the plaintiff’s claims as to the defendant employer, the court
10 in *Muna* found that “[the plaintiff’s] claims for negligence and infliction of emotional distress [were]
11 barred by the exclusivity provision of the Act because they arose out of his employment.” *Id.* The
12 *Muna* court also held that “the mere fact that emotional claims are involved rather than physical
13 claims is not enough to bring these claims outside of the Act.” *Id.* As such, Defendant IPI argues
14 that Plaintiff’s IIED claim is barred by the exclusivity provision in the Act and should be dismissed.

15 In opposition, Plaintiff argues that Defendant IPI has cited no rule or case that allows for
16 reconsideration, and has not raised any of the necessary grounds that allow for the extraordinary
17 remedy of granting a motion for reconsideration. According to Plaintiff, *Muna* is an almost twenty
18 (20) year old Superior Court case that should have been raised in Defendant IPI’s initial
19 memorandum, and is not an intervening change of controlling law or new evidence. Plaintiff also
20 argues that Defendant IPI does not make any argument that reconsideration is necessary to correct
21 clear error or prevent manifest injustice.

22 Furthermore, Plaintiff proposes that this Court is not bound or controlled by the doctrine of
23 *stare decisis* by *Muna* since it is a CNMI Superior Court ruling. According to Plaintiff, the case
24 language cited by Defendant IPI (that the mere fact that emotional claims are involved rather than

1 physical claims is not enough to bring those claims outside the Workers Compensation Act) is plainly
2 dicta and was not necessary for the decision in the case. Unlike the instant case, the plaintiff in *Muna*
3 was assaulted and suffered a physical injury and was therefore clearly covered under the Act. Plaintiff
4 also referenced and cited *Robinson v. Hess Oil Virgin Islands Corp.*, 19 V.I. 106, 109 (D.V.I. 1982),
5 which specifically held that emotional distress claims could be brought outside of workers
6 compensation, and the exclusivity bar of Workers Compensation was inapplicable. Defendant IPI
7 has not replied to any of Plaintiff's arguments in opposition.

8 **B. Discussion.**

9 Upon review of the parties' filings and the relevant law, the Court finds that Defendant IPI's
10 Motion to Reconsider fails to present an adequate legal basis for this Court to reconsider its previous
11 order. Defendant IPI simply argues that this Court should dismiss the claim IIED based on precedent
12 set from the CNMI Superior Court in *Muna*. The Court is not persuaded that relief is warranted
13 because *Muna* is not binding precedent and Defendant IPI does not suggest that there is a legal basis
14 for reconsideration either through an intervening change of controlling law; the availability of new
15 evidence; or to correct a clear error or prevent manifest injustice.

16 **IV. CONCLUSION**

17 For the foregoing reasons, Defendant IPI's Motion for Reconsideration is hereby **DENIED**.

18 **IT IS SO ORDERED** this 2nd day of June, 2020.

19
20
21 /s/
WESLEY M. BOGDAN, Associate Judge