IN THE SUPREME COURT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

BENJAMIN T. MANGLONA, Mayor of	ORIGINAL ACTION NO. 98-003
Rota; EDWARD U. MARATITA, Chair)
Rota Legislative Delegation; ALEX A.)
APATANG, Chair Rota Municipal Council,)
) JUDGMENT
Petitioners,)
)
v.)
)
THOMAS B. ALDAN, Chair, Board of)
Public Lands; JOAQUIN A. TENORIO,)
Secretary, Department of Lands and Natural)
Resources; BERTHA T. CAMACHO,)
Director of Division of Public Lands of)
Lands and Natural Resources,)
)
Respondents.)
)
D 1 26 61 D 1 64	
Pursuant to Rule 36 of the Rules of Ap	pellate Procedure, the order of this Court in this matter
has been issued and judgment is homely entone	ad Douting our hamphy sourced with a convent the andon
has been issued and judgment is hereby entere	ed. Parties are hereby served with a copy of the order
which DENIED the petition for certification	of legal question and request for temporary relief.
which DEIVIED the petition for certification of	or legal question and request for temporary tener.
Entered this7th dayofMay,199	8
Entered this dayonviay,199	0.
	/s/
	CRIS M. KAIPAT, Clerk of Court

IN THE SUPREME COURT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

BENJAMIN T. MANGLONA, Mayor of Rota;)	ORIGINAL ACTION NO. 98-003
EDWARD U. MARATITA, Chair Rota Legislative)	
Delegation; ALEX A. APATANG, Chair Rota)	
Municipal Council,)	
-)	ORDER
Petitioners,		
)	
v.)	
)	
THOMAS D. ALDAN, Chair, Board of Public)	
Lands, JOAQUIN A. TENORIO, Secretary)	
Department of Lands and Natural Resources;)	
BERTHA T. CAMACHO, Director Division of)	
Public Lands of Lands and Resources,)	
)	
Respondents.)	
	_)	

On May 4, 1999, the petitioners filed a Petition for Certified Legal Question and an Ex-parte Motion under Com. R. App. P. 27 for temporary relief. Petitioners are seeking a review of Public Law 10-57 and requesting an order restraining the respondents from taking any steps to enforce the Writ of Possession signed by the Superior Court on January 5, 1998.

This original action involves facts and issues involved in *Commonwealth v. Angelo, et al.*, appeal no. 97-034. In *Angelo*, the Superior Court granted summary judgment in favor of the Commonwealth on September 9, 1997. The Superior Court denied the appellants' (Anglo, et al.) motion for a stay on October 30, 1997.

On November 28, 1997, this Court denied the appellants' motion for a stay of the Superior Court's Order which determined that the appellants were trespassers and directed them to vacate the public lands on Rota. Appellants are entitled to a stay if they show: (1) a combination of probable success on the merits and the possibility of irreparable injury or (2) that serious questions are raised

and the balance of hardship tips sharply in the appellants' favor. *Vaughn v. Bank of Guam*, 1 N.M.I. 318, 32 7 (1990). After reviewing the motions, we denied the motion for stay because we were not convinced that the appellants had demonstrated irreparable harm or that they would succeed on the merits.

House Legislative Initiative No - 10-3, Section 11 states:

Whenever a dispute atises between or among CommonAealth offirials who are elected by the people or appointed by the governor regarding the exercise of their power or responsibilities under this constitution or any statute, the parties to the dispute may certify to the supreme court the legal question raised, setting forth the stipulated facts upon which the dispute arises.

In this case, the petitioners have failed to raise any legal question nor have they set forth any stipulated facts upon which the dispute arises. We find that the issue raised by the petitioner has already been sufficiently addressed in the briefs in the *Anglo* appeal.¹ Therefore, the petition for certification of legal question and request for temporary relief is **DENIED**.²

Entered this _____ 7th ___ day of May 1998.

/s/
MARTY W.K. TAYLOR, Chief Justice
<u>/s/</u>
RAMON G. VILLAGOMEZ, Justice Pro Tem
<u>/s/</u>
JUAN T. LIZAMA. Special Judge

¹ Appeal No. 97-034 is currently ready for oral argument.

² Petitioner should note that facsimile documents in excess of 10 pages violates Com.R.App.P. 25(e)(3).