

LOKONAN JAWO, Plaintiff-Appellee  
v.  
JOKAS BATIN, Defendant-Appellant  
Civil Appeal No. 167  
Appellate Division of the High Court  
Marshall Islands District  
October 5, 1978

Appeal by defendant below. The Appellate Division of the High Court, Burnett, Chief Justice, dismissed for delay by appellant prejudicial to appellee's interests.

**Appeal and Error—Briefs—Opponent's Copy**

Where appellant's brief was due to be filed on June 28, 1977, and a 10-day extension was granted, and the brief was filed on July 28, 1977, and a copy was not served upon appellee until July 25, 1978, the delay was obviously prejudicial to appellee's interests and provided ample grounds for dismissal.

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*Counsel for Plaintiff-Appellee:*

RUBEN ZACKHRAS, Micronesia Legal Services Corp.

*Counsel for Defendant-Appellant:*

ANIBAR TIMOTHY, *Public Defender's Representative* and ANDY MOORE, Co-counsel

Before BURNETT, *Chief Justice*, and NAKAMURA, *Associate Justice*

BURNETT, *Chief Justice*

The record on appeal was certified on April 29, 1977, and appellant on the same date was notified. Under our Rules, his brief was due sixty days thereafter, on June 28, 1977. A ten-day extension of that time was granted. Appellant's brief was actually filed on July 28, 1977.

Appellee has moved to dismiss, and asserts that, in addition to late filing of appellant's brief, a copy was not served

on appellee until July 25, 1978. Such delay is obviously prejudicial to the interests of appellee, and provides ample grounds for dismissal.

Notwithstanding the clear grounds for dismissal, we have examined the entire record, including evidence taken on trial. Having done so, we find no error. The Judgment is AFFIRMED.

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VICTORIA I. KAPILEO, et al., Plaintiffs-Appellants

v.

BENUSTO R. KAIPAT, et al., Defendants-Appellees

Civil Appeal No. 195

Appellate Division of the High Court

Mariana Islands District

November 9, 1978

Plaintiffs appealed judgment against them. The Appellate Division of the High Court, Hefner, Associate Justice, affirmed for lack of showing of error.

**Appeal and Error—Affirmance—Grounds**

Trial court judgment would be affirmed where record revealed no basis for declaring its findings erroneous.

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*Counsel for Appellants:* Public Defender's Office, Saipan,  
Mariana Islands

*Counsel for Appellees:* MICHAEL A. WHITE, ESQ.

Before HEFNER, *Associate Justice*, NAKAMURA, *Associate Justice*, and GIANOTTI, *Associate Justice*

HEFNER, *Associate Justice*

The sole issue in this case is whether a person by the name of Candilaria was adopted and therefore became the only heir of Joaquin Rogopes. The importance of the resolution of this issue is because Micronesian Claims Commis-