

FILED

IN THE HIGH COURT  
OF THE  
REPUBLIC OF THE MARSHALL ISLANDS

SEP 10 2018

  
ASST. CLERK OF COURTS  
REPUBLIC OF THE MARSHALL ISLANDS

EIGIGU HOLDINGS CORPORATION,  Plaintiff,  v.  LEANDER LEANDER and LIJUN LEANDER,  Defendants.	CIVIL ACTION 2014-067  <b>ORDER IN LIMINE</b>
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Divine Waiti, counsel for plaintiff  
James McCaffrey, counsel for defendants

This matter came before the Court for a pre-trial conference on September 4, 2018. Plaintiff was not present but was represented by counsel Divine Waiti. Defendant Leander Leander was present and was represented by counsel James McCaffrey. Defendant Lijun Leander was not present but was represented by counsel James McCaffrey. Pursuant to prior court order, the parties exchanged witness lists and copies of proposed trial exhibits immediately before the pretrial conference.

Mr. McCaffrey expressed concern about one of plaintiff's proposed witnesses, identified in plaintiff's disclosure as "Former Sex Worker." Mr. McCaffrey claimed that the witness's testimony should not be allowed because the issue of illicit sexual activity has not been raised in the pleadings. I instructed counsel that I would examine the pleadings and make a determination. In effect, I am faced with an oral motion in limine.

I have examined the pleadings, and I note the following: (1) paragraphs 6 and 7 of the parties' 2002 sublease, attached to the verified complaint, prohibit such things as unlawful activities, unlawful business purposes, disreputable business purposes, and the operation of a business that constitutes a nuisance of any kind; (2) paragraph 18 of the verified complaint refers to "suspected gambling and other illegal activities;" (3) paragraph 4 of the verified complaint's prayer for relief asks that defendants and their sub-lessees be evicted from the premises; and (4) the November 2014 joint affidavit of James Keppa and Jamaica Adeang describes one instance of negotiation for an act of prostitution on the premises.

In short, there is minimal but sufficient information in the verified complaint and other documents to place defendants on notice that an alternative reason for terminating the sublease is the existence of illicit sexual activity occurring on the premises.

MIRCP 15(a)(2) encourages me to freely grant leave to amend the pleadings when justice so requires, and MIRCP 15(b) provides that the pleadings can be amended to conform to the evidence even during or after trial. I will therefore entertain a motion, if one is filed, to amend the complaint to specifically allege that illicit sexual activity is occurring on the premises, and that such activity constitutes a nuisance and is grounds for termination of the sublease.

**BASED ON THE FOREGOING, IT IS HEREBY ORDERED AS FOLLOWS:**

1. If a motion to amend the complaint as indicated above is filed and granted, I will allow "Former Sex Worker" to testify at trial.

DATED this 6th day of September, 2018.

BY THE COURT:

A handwritten signature in black ink, reading "Colin Winchester". The signature is written in a cursive style with a large initial "C".

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COLIN R. WINCHESTER  
Associate Justice

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Eigigu Holdings Corporation ) Civil Case No. 2014-067  
 )  
 Plaintiff )  
 v )  
 )  
 ) **CERTIFICATE OF**  
 Leander Leander and LiJun Leander ) **SERVICE**  
 )  
 Defendant )  
 )


I, Tanya Lomae, Asst. Clerk of the Courts, hereby certify that on 9/10/18

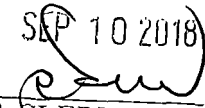
I served the Order in Limine

filed 09/10/2018 in the above captioned matter on:

1. Divine Waiti by  Email  Fax  Personal Hand Delivery
2. James McCaffrey by  Email  Fax  Personal Hand Delivery
3. \_\_\_\_\_ by  Email  Fax  Personal Hand Delivery
4. \_\_\_\_\_ by  Email  Fax  Personal Hand Delivery

Attached is a copy of my  Sent Email /  Fax Confirmation.

  
Tanya Lomae  
Asst. Clerk of the Courts  
Marshall Islands Judiciary

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