

IN THE SUPREME COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS

MERVY LLOYD MONGAYA,

Plaintiff-Appellant,

vs.

AET MCV BETA LLC, AET INC. LTD.,
and AET SHIP MANAGEMENT PTE
LTD.,


Defendants-Appellees.

Supreme Court No. 2017-003

ORDER DENYING MOTION FOR
RECONSIDERATION

FILED

SEP 05 2018


CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

BEFORE: CADRA, Chief Justice; SEABRIGHT,* and SEEBORG,** Acting
Associate Justices

Plaintiff/Appellant Mervy Lloyd Mongaya filed a timely “motion for
reconsideration” (or rehearing) of the Supreme Court’s August 10, 2018 Opinion
affirming the High Court’s Order Granting Defendants’ Motions to Stay Action
Pending Arbitration.

We decline reconsideration (or rehearing) because the alleged errors do not
change our analysis and ultimate disposition of this case.

* The Honorable J. Michael Seabright, Chief United States District Court Judge, District
of Hawaii, sitting by designation of the Cabinet.

** The Honorable Richard Seeborg, United States District Court Judge, Northern District
of California, sitting by designation of the Cabinet.

The “equitable estoppel” test quoted from *Mundi v. Union Sec. Life Ins. Co.*, 555 F.3d 1042 (9th Cir. 2009), while attributable to *E.I. DuPont de Nemours & Co. v. Rhone Poulenc Fiber & Resin Intermediates, S.A.S.*, 269 F.3d 187 (3rd Cir. 2001), is the law we adopt.

The other ascribed error — that the “Supreme Court’s Opinion failed to recognize and apply higher controlling authority of *M/S Bremen v. Zapata Offshore Co.*, 407 U.S. 1 (1972)” and argument regarding a forum’s strong public policy against choice of forum provisions — does not change our analysis and conclusions.

We, accordingly, deny Appellant’s motion for reconsideration.

DATED: September 4, 2018 /s/Daniel N. Cadra
Daniel N. Cadra, Chief Justice

DATED: September 4, 2018 /s/ J. Michael Seabright
J. Michael Seabright, Associate Justice

DATED: September 4, 2018 /s/Richard Seeborg
Richard Seeborg, Associate Justice