

FILED

OCT 29 2019

CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

IN THE SUPREME COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS

MUDGE SAMUEL,

Petitioner/Appellant,

vs.

ROBSON YASIWO ALMEN, in his
capacity as Chief Electoral Officer;
MINISTRY OF INTERNAL
AFFAIRS; REPUBLIC OF THE
MARSHALL ISLANDS; and
LADIE JACK,

Respondents/Appellees.

Supreme Court Civil Appeal No. 2018-001
(High Court Case No. 2016-121)

ORDER DENYING MOTION FOR
SUSPENSION OF RULES AND
RECONSIDERATION

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

PER CURIAM:

On October 18, 2019, Appellant Mudge Samuel filed a "Motion for Enlargement of Time For Filing Motion For Reconsideration" of this Court's September 26, 2019, Opinion in the above captioned case pursuant to Supreme Court Rules 2, 27 and 40. Appellees have filed a Response to Appellant's motion.

* The Honorable J. Michael Seabright, Chief U.S. District Judge, District of Hawaii, sitting by designation of the Cabinet.

** The Honorable Richard Seeborg, U.S. District Judge, Northern District of California, sitting by designation of the Cabinet.

Rule 40 requires motions for reconsideration/rehearing to be filed within 10 days of the date the Court's opinion or ruling is filed. Appellant concedes reconsideration/rehearing was not timely sought.

Rule 2 allows suspension of the Rules for "good cause." Appellant contends "good cause" exists because of this Court's recent decision on a removed question in the High Court cases of *Lekka v. Kiluwe*, High Court CA No. 2019-046, and *Konou, et al v. Kiluwe, et al*, High Court CA No. 2019-069, and because Appellant believes this Court's Opinion was largely based upon the High Court's reasoning in High Court CA No. 2017-037 in which the High Court excluded from evidence an affidavit of an eye witness to an allegedly improper meeting between the CEO and Ladie Jack. Appellant believes disclosure of this latter fact may change this Court's Opinion.

This Court's decision in the *Lekka* and *Konou* cases has no bearing on the issues presented by this case and does not provide a basis for reconsideration/rehearing or suspension of the Rules. The exclusion of evidence in High Court CA No. 2017 similarly provides no cause for reconsideration/rehearing. Appellant had the opportunity to fully brief and argue that issue on appeal in this case. We fully considered Appellant's arguments raised on appeal in reaching our decision in this case. We, therefore, DENY Appellant's motion.

Dated: October 28, 2019

/s/ Daniel N. Cadra
Daniel N. Cadra
Chief Justice

Dated: October 28, 2019

/s/ J. Michael Seabright
J. Michael Seabright
Associate Justice

Dated: October 28, 2019

/s/ Richard Seeborg
Richard Seeborg
Associate Justice