

FILED

JUL 12 2025

ASSISTANT CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

IN THE TRADITIONAL RIGHTS COURT
REPUBLIC OF THE MARSHALL ISLANDS
MAJURO ATOLL

HATTIE RUSIN,

Civil Action 2023-00953

plaintiff,

v.

PHILLIP KABUA, PHILINE KABUA-JEIK IM
KEYOKA P. KABUA, et al.,

defendants.

LEMNAK IM UAK EO/KO AN

TRADITIONAL RIGHTS COURT EO

RO UAAN PANEL EO

: Grace L. Leban
Presiding Judge, TRC

Nixon David
Associate Judge, TRC

Claire T. Loeak
Associate Judge, TRC

JIKIN RONJAKE EO

: Majuro Courthouse
Majuro Atoll
Marshall Islands

RAAN IN RONJAKE EO/KO

: March 11-13, 25, 2025

KOMELELE KO : Case in ear drelon tok ilo court in an Mani ilo July 24, 2024 eo, iumin order eo jen High Court non an Traditional Rights Court (TRC) eo uake kajitok ko litok. Wawen in ej kemlet ilo Rule 3-5 ilo TRC Rules of Civil Procedure eo an 2017. Kajitok kein rar berber wot ion abnono ko jen party kein ruo ilo case in. Ro uwaan panel eo im ear ronjake case in ear wonmanlok wot im karok juon ien ronjake (trial).

IAKWELEL KO IKOTAAN PARTY KO:

Ekkar non Riabnono Hattie Rusin (Hattie), ejba bwe ejimwe im jejjot bwe e eo ej kabjor maron ko an Alab im Senior Dri Jerbal ion Buruon Island einwot ke maron kein rar etal jen lollap eo jemen, Labiliet Lokonwa (Labiliet), eo im ear kokajririki e. Ej ba bwe Labiliet ear komane juon an kalimur im kojolet erro lellap eo jinen im kar riturin Labiliet, nae etan Roda Labiliet (Roda), ikijen maron ko an Alap im Senior Dri Jerbal ion Buruon Island. Im ej bareinwot ba bwe elkin an Roda jako inem maron kein rar etal non iben, einwot an alikar ilo kalimur eo im ej kein kamol Exhibit P2, eo im ear koman ilo June 30, 1974.

Hattie ej bareinwot kwalok an jab erra kin Bill of Sale (pepa in wia kake) eo im ba bwe ejab eltan pein Labiliet in ilo pepa in wia kake in. Ej bareinwot ba bwe ejab eltan pein Telnan Lanki in ilo ejja pepa in wot, ak Exhibit D-A.

Rijumae Abnono ro, Philine Kabua-Jeik im Keyoka P. Kabua, rej ba bwe Labiliet im leo nejin, Jeilar Jolet (Jeilar) rar wia kake maron ko jilu (3), einwot Iroj-Edrik, Alap im Senior Dri Jerbal non jemeaerro, Phillip Kabua, einwot an walok im alikar ilo pepa in wia kake in, eo im ear koman ilo July 18, 1983 eo.

Rijumae Abnono Keyoka P. Kabua (Keyoka), ejba bwe Hattie ear jab koman an abnono ikijen Buruon Island jen 1983 eo, ak tore eo ear koman pepa in wia kake eo im Phillip ear jino etal non Buruon Island. Keyoka ejbar ba bwe Hattie ear jab koman an kabojrak ak abnono elkin an Labiliet jako ilo 1989 eo. Ej bar ba bwe jen 1983 eo, elkin an koman pepa in wia kake eo, Phillip ear jino an etal non Buruon Island im jino rakiji, ekkal imon jokwe ko, im imon kemat ak mon kuk ie. Ej bareinwot ba bwe Hattie ear jab koman an abnono ilo aoleben tore kein Phillip im bamle eo an rej makitkit ion Buruon Island. Ear jab bar koman an abnono tore eo rar kabit boka Buruon Island im kalbwin jinen im jemen ilo January 2023 eo. Ekkar non Keyoka ejba bwe ear etal non bamle in an Phillip juon leta in kabojrak aer kalub (P19), ak rar wonmanlok wot im kalub botab ear jab jadre lak Hattie ak ro nukun non ien kalub eo im koman kabojrak.

KAJJITOK KO KAR LETOK NAN TRC PANEL EO BWE EN UAAKE:

Kajitok ko litok non Traditional Rights Court eo rej walok einwot in:

1. Iumin mantin Majol, won eo ikotaan Hattie Rusin im Philene Kabua-Jeik im Keyoka P. Kabua, ejimwe im jejjot bwe ren kabjor maron ko an Iroij-Edrik, Alap, im Senior Dri Jerbal ion Buruon Island eo ilo Majuro Atoll, Marshall Islands?
2. Pepa in wia kake eo (Bill of Sale) ikotaan Phillip Kabua im ro aer Buruon Island, Labilliet Lokonwa im leo nejin, Jeilor Jolet, ikijen maron ko an Iroij-Edrik, Alap, im Senior Dri Jerbal ion Buruon Island, pepa in ej ke juon eo im court in ej watoke ekajur im jimwe non an etal maron kein jilu (Iroij-Edrik, Alap, im Senior Dri Jerbal) non Rijumae Abnono rein ekkar non mantin Majol?

UAAK NON KAJITOK EO:

- 1. Ejimwe im jejjot bwe Phillip Kabua, Philine Kabua-Jeik im Keyoka P. Kabua, rej kabjor maron ko an Iroj Edrik, Alab im Senior Dri Jerbal ion Buruon Island rainin, ekkar non Manit.**
- 2. Bill of Sale in ak pepa in wia kake in ikotaan Labiliet im Jeilar iben Phillip ejab juon eo watoke ejejot ak kajur ekkar non karokan juon pepa in wia kake, einwot an wor idrabtok ko rej alikar ilo liniri. Ijo wot ke pepa in ej kalikar bwe ear wor kotobar non an wor juon kwon ikotaan Labiliet im Jeilar iben Phillip non aje lok maron ko an Labiliet, enwot Iroj Edrik, Alab im Senior Dri Jerbal, non Phillip. Im bwe wawen in ej alikar ilo an kar Phillip maron kar rakiji, ekkal ion, im aliktata kabit boka Buruon Island ilo an ejelok abnono jen Labiliet ilo torren mour ko an, ak jen Hattie alkin an Labiliet jako ilo 1989 eo mae 2023 eo.**

MELELE KO IM UAAK IN EJ BEDBED IOER:

Alkin etale aoleb naan im kein kamol ko im rar dreton tok ilo case in, ej alikar non court in bwe Labiliet ear kokajiriki Jeilar im Hattie. Ej bar alikar bwe Labiliet ear komane juon an kalimur ikijen bwidrej ko an ion Majuro Atoll, ekoba Buruon Island non kora eo nejin, Hattie, einwot an alikar ilo kein kamol Exhibit P2, ilo June 30, 1974 eo. Inem ilo July 18, 1983 eo, ear koman juon pepa in wia kake eo ikijen maron ko ion Buruon Island, einwot Iroj-Edrik, Alab im Senior Dri Jerbal ikotaan Labiliet im Jeilar iben Phillip einwot an alikar ilo kein kamol Exhibit D-A. Im ilo December 4, 1983 eo, Labiliet ear komane juon Special Power of Attorney im lelok maron non Hattie non an lale aoleb makitkit ko ilo bwidrej ko an Labiliet, ekoba lease im wia kake ko.

Ilo an kar court in ekatak kin kalimur eo an Hattie, Exhibit P2, eo im ear koman ilo 1974 eo, ear ejelok an kajitok nae. Ear loc bwe ejimwe in kwon ilo liniri. Alkin, court in ear etale pepa in wia kake eo ikotaan Labiliet im Jeilar iben Phillip, Exhibit D-A, im loe elon idrabortok ko ewor kajitok ko ikijeor. Ekkar non naan in kamol ko an Milton Zackios (Milton), eo im ear kamol non Riabnono eo, einwot juon eo etto an kar jermal ilo Clerk of Courts obij eo, ear kwalok im ba ej maron kile eltan pein Labiliet einwot ke elon alen an kamol an Labiliet sign ilo tore en jermal ko an einwot juon clerk non court. Ekkar non Milton, juon ian pepa ko ear notarize ak kamol ke Labiliet eo ear sign imaan mejen ilo tore in pepa eo ear koman, ej Exhibit P15. Court in ej kile alkin etale eltan pein Labiliet ilo Exhibit P15, im loe ewor oktak ko ilo eltan pa eo ilo kein kamol Exhibit D-A.

Court in ear bareinwot ronjakc naan in kamol ko an Mrs. Daisy Alik Momotaro (Daisy), eo ear kamol ikijen Riabnono eo non an kalikar eltan pein Telnan Lanki (Telnan) einwot an walok ilo juon check in kolla lease eo im Telnan ear sign i, eo ej kein kamol an Riabnono, Exhibit P-16. Court in ear bar keidi eltan pein Telnan ilo pepa in wia kake eo an Buruon Island iben copy in check eo an Daisy, ak Exhibit P-16, im loe an oktak eltan pein Telnan ilo pepa kein ruo, Exhibit P16 im Exhibit D-A.

A. Keidi Melele Ko Non Makitkit Ko:

Court in ej kile bwe kalimur in an Hattie im ear koman ilo 1974 eo, ej juon eo im ejimwe ilo wawen an kar Labiliet keboje. Court in ej bar kile pepa in wia kake eo an Phillip eo im ear koman ilo 1983 eo im melele ko rej kwalok ke ear koman ikotaan Labiliet im Jeilar iben

Phillip, im loe bwe ear jab tiljek wawen komane einwot an alikar ilo eltan pein Labiliet im Telnan. Court in ear bareinwot ronjake melele ko jen rikamol Milton im rikamol Daisy, im etali kein kamol im melele ko rar berber ioer.

Alkin, court in ear etale makitkit ko rar bok jikior ekkar non ien ak jen 1974 eo im Labiliet ear komane kalimur eo an non Hattie, non rainin. Ej alikar bwe kalimur in an Hattie eo im ear koman ilo 1974 eo ear jab wor kitien mae tore eo Labiliet ear jako ilo 1989 eo, einwot an alikar ilo pepa in mij eo, ak Exhibit P-17. Alkin 1974 eo, ear koman pepa in wia kake in an Phillip ilo July 18, 1983 eo. Ilo tore eo Labiliet ej mour wot, Phillip ear jino an etal im rakiji Buruon Island im kajutak imon jokwe im imon kuk ekkar non naan in kamol ko an Keyoka. Bamle in an Phillip rej etal im kakije ie im jokwe ion Buruon Island jen ien non ien im elane rejab ber ion Buruon Island, inem ewor ro rej dror er bwe ren jokwe im alal ie.

Ekkar non melele ko ilo naan in kojemlok ko an Riabnono Hattie, ko im rar ber ilo jeje, ejba bwe ilo December in 1963 eo, Labiliet ear komane juon an Special Power of Attorney ak ear kemelim Hattie non an makitkit ilo etan ikijen wawen ko rej koman ion bwidrej ko an, ekoba jata bwidrej im wia kake eo (P3). Court in ej loe bwe jen tore eo Labiliet ej mour wot, mae tore eo ear jako ilo 1989 eo, im elon ien tok alkin an jako, Hattie ear jab koman an abnono ikijen an bamle eo an Phillip jokwe im makitkit ion Buruon Island. Ej alikar bwe Keyoka ear register e pepa in wia kake eo an iben LRA ilo June 3, 2016 eo, alkin Hattie ear register e kalimur eo an iben LRA ilo June 16, 2017 eo (P2). Tok alik Hattie ear register e maron ko an einwot juon Alab im Senior Dri Jerbal ion Buruon Island ilo October 25, 2019 eo (P5), eo im Keyoka ear file an jab erra kake registration in maron kein an Hattie (P6). Ilo May 29, 2023

eo, Hattie ear komane abnono in an ilo court.

Ilo an court in kalimjoke melele kein im wawen makitkit ko rej kalikar bwe Labiliet ear komane kalimur in an Hattie ilo 1974 eo, inem tok alik ilo 1983 eo ear ajelok maron kein an einwot Iroij Edrik, Alab im Senior Dr Jerbal, ikijen wia kake, non Phillip. Court in ej erra bwe ear jab tiljek wawen komane pepa in wia kake in. Ijo wot ke court in ej bar kalimjok wawen an kar Phillip im bamle eo an kar jino makitkit ion Buruon Island alkin an kar koman pepa in wia kake in ilo June 1983 eo. Ej alikar ilo kein kamol kein bwe ear ejelok abnono jen Labiliet einwot ke ej mour wot ilo tore eo. Ej bareinwot alikar bwe Labiliet ear komarone Hattie kin juon an Special Power of Attorney, eo im ear koman ilo December 4, 1983 eo, non an komani jerbal ko ion bwidrej ko an ekoba etale aoleb lease im wia kake ko rej bok jikior ilo bwidrej ko an Labiliet (P-3). Wawen in ej kalikar non court in bwe ear wor an Hatty jela im melele kin an wor juon kwon ikotaan Labiliet im Jeilar iben Phillip ikijen Buruon Island. Im kin jela in ear jab koman an abnono ilo tore eo.

Court in ej tomak bwe ear wor juon kwon non ajelok ak wia kake Buruon Island non Phillip ilo an kar Labiliet, Jeilar im Hattie jab koman aer abnono tore eo Phillip im bamle eo an rej jino koman jerbal in raro im ekkal ion Buruon Island jen 1983 eo tok non tore eo Labiliet ear jako ilo 1989 eo. Court in emaron bar ba bwe ear wor an Hattie melele kin kwon in einwot an kar jab koman an abnono ilo tore eo ear jino wor kitien kalimur eo an jen Labiliet. Ej kab koman an abnono ilo court ilo 2023 eo, jilunoul jima iio tok alik jen ke ear jako Labiliet im ear jejjot kitien kalimur eo an Hattie. Hattie ear jab bcr ilo ien ronjake ko an case in non an kwalok melele ko an, kin menin ejabwe kein kamol non ba ke ear jab jela kin an kar Labiliet ajelok maron ko an

ion Buruon Island non Phillip. Ilo tore in im abnono in ej itok imaan TRC, emoj an motlak enoul-ruo (42) iio ko jen ke Phillip ear jino makitkit ion Buruon Island, alkin an kar Labiliet ajelok Buruon Island none. Court in ej kile bwe 42 iio ej juon tore eo aitok im Hattie ejab maron kajej tokjen kwon eo ear koman ikotaan Labiliet im Jeilar iben Philip, ikijen maron kein jilu an kar Labiliet ion Buruon Island. Ekkar non Maniit, juon alab ejelok an maron kajej tokjen juon kwon eo im ear bok jikin alkin juon tore eo aitok. *Makroro v Benjamin*, 5 TTR 519 & *Neikabun v Mute*, 5 TTR 49. Im eja iumin melele in wot, ekkar non kakien ikijen aitokan juon tore eo im juon ej maron koman an abnono, ej walok im alikar bwe abnono ko ikijen maron ko ion bwidrej rej wor kitier iumin 20 iio ko. *Kabua v. Reimers*, CA 2021-767. Einwot an walok ilo melele ko ilo case in, Hattie ear jab koman an abnono mae 42 iio ko tok alik.

NAAN IN KOJEMLOK:

Berber ion aoleb melele kein, court in ej kile bwe mekarta court in ej loe idrabtok kein ilo pepa in wia kake eo an Rijumae Abnono ro, ak ej tomak ear wor juon bujen kwon eo ear koman ikotaan Labiliet im Jeilar iben Phillip einwot an alikar ilo wawen makitkit ko an Phillip im bamle eo an ion Buruon Island jen tore eo Labiliet ej mour wot ilo 1983 eo mae tore eo ear jako ilo 1989 eo. Elane ear ejelok kwon incm Labiliet ak Hattie eo ej makitkit ilo etan ilo tore eo renaj kar aikuj koman aer abnono, ak ear jab koman wawen in. Court in ej kile an kar koman kalimur eo an Hattie ilo 1974 eo, botab ear ejelok kitien mae tore eo ear jako Labiliet ilo 1989 eo. Ej alikar bwe ilo 1989 eo, ear wor kitien kalimur eo an Hattie, botab ear jab koman an abnono, mae 2023 eo. Court in ej loe wawen an kar Hattie likjab einwot juon eo ear etal kalimur none. Ewor an kar maron in etal iumin iio kein enanin 42 aitokaer im kenono iben Rijumae Abnono rein kin maron kein an, ak ear jab. Court in ej loe bwe ejabwe melele jen Hattie einwot an kar jab maron

jadre ilo ien ronjake ko an case in non an kalikar non court in elane ear wor an jela kin wia kake eo ak kwon in ikotaan Labiliet im Jeilar iben Phillip. Ilo tore in an Hattie, emoj an jako armij ro, einwot Labiliet, Jeilar im Phillip non an kar court in kajitikini er. Eber wot Hattie rainin non an court in kar kajitokini etke ear jab koman an abnono jen tore eo Labiliet ear mour wot im ear komelim Hattie non an kojbarok bwidrej ko an mae tore eo ear jako im ear wor kitien kalimur eo an, mae 42 iio tok alik. Einwot juon eo ej ba ej kabjor maron an Alab im Senior Dri Jerbal ion Buruon Island, enaj kar juon an eddo non lale ta ko reman im rejimwe ion bwidrej, ekkar non manit.

Court in ej bareinwot kile juon ian manit ko ad ilo Majol in, ej mantin an juon Iroj rakij ak jerbale juon jikin ak weto, eo im ej alikar ilo case in. Ekkar non mantin Iroj, elane juon Iroj ej rakij juon jikin ak weto, eo im ewor an maron ie, ak juon jikin eo emoj aer ajelok none bwe en ber ie, inem ilo an Iroj en rakiji ak jerbale ijon ej kalikar bwe ej an im maron ko jilu ak emen ilo jikin eo ej rakiji renaj erom an. *Hermios and Langmos, v Wase, Minister of Internal Affiars. & RMI Government v Tomeing, CA 1994 -011.*

Alkin an an kar Labiliet im Jeilar lelok Buruon Island non Phillip, inem ear jab ber wot ak ear etal im rakiji bwe en walok rainin. Einwot ke Phillip Kabua ej nejin juon Irojlaplap inem eber aao eo iben non ad maron ba ke ear rakiji im jerbale Buruon Island iumin manit in an Iroj. Ej tomak eo an court in bwe Labilliet ear jela im melele kake mantin Iroj im ear jab koman an abnono ilo an Phillip amnak im makitkit ion Buruon Island jen 1983 eo mae tore eo e, Labiliet ear jako ilo 1989 eo. Im ej kotmene eo an court in bwe Hattie enaj bar loor lollap eo jemen einwot ke juon in manit aurok im jej aikuj kojbaroke.

Kin menin, court in ej kile bwe ejimwe im jejot bwe maron kein jilu, Iroj Edrik, Alab, im Senior Dri Jerbal, ion Buruon Island, ren etal non Phillip Kabua, Philine Kabua-Jeik im Keyoka P. Kabua, ekkar non manit.

MANIT IM IMINENE KO REJELET CASE IN:

1. *Wia Kake* – Wia kake juon jikin ak bwidrej ej juon ian wawen ko Iroj im Alab ro rej maron aje lak juon jikin ak bwidrej non juon eo ej wor an itok limoin wiaki ak boke jikin ak bwidrej eo.
2. *Kalimur* – Juon kwon eo non kajolet ak aje lok maron ko an eo ej komane kalimur eo non bar juon ikijen men ko mweien ak maron ka an ion bwidrej.
3. *Kokajriri* – Boke im lale juon eo im emaron jen ke ear lotak, ak emaron ilo an ritolak im watoke bwe ej kanin lujen eo ej boke. Juon eo ej boke im kokajriri emaron ilowaan wot bwij ak nukon eo ak emaron jen likin bwij ak nukon eo.
4. *Mantin Iroj* – Juon ian manit ko rejelet Iroj ro ej elane juon Iroj ej rakiji im jerbale juon weto ak bwidrej eo ewor an maron ie ak eo ejelok an maron ie ak emoj an armij ro aer ajelok none, inem ilo an rakiji im jerbale weto ak bwidrej eo ej kalikar ke ej an im aoleb maron ko ie renaj an im ro nejin

KEIDI MANIT IBEN MELELE KO REMOL:

1. Mekarta ewor wawen ko court in ej loe bwe ear jab tiljok ilo wawen keboje im komane pepa in *wia kake* eo an Labiliet im Jeilar non Phillip, ak jen makitkit ko an Phillip ion

Buruon Island, im an ejelok abnono an Labiliet, Jeilar im Hattie, ej kalikar non court in ke ear wor juon kwon ikotaan Labiliet im Jeilar iben Phillip non an etal im amnak ion Buruon Island.

2. Labiliet Lokonwa, eo im ear kabjor maron ko an Irojiedrik, Alap im Dri Jerbal ion Buruon Island, ear komane juon an ***kalimur*** ikijen Buruon Island non kora eo iben, Roda Labiliet im kora eo nejin, Hattie Heine Rusin ikijen maron ko an Alap im Dri Jerbal ion Buruon Island. (Plaintiff Exhibit P2)
3. Ej alikar ilo naan im kein kamol ko ilo case in bwe Labiliet Lokonwa ear ***kokajriri*** Jeilar Jolet im Hattie Rusin jimor, im ear watok erro kanin lujen einwot an alikar ilo an kar koman elon kalimur ko non erro ikijen maron ko an ion ijoko jikin ilo Majuro Atoll.
4. Ej alikar ilo case in bwe Labiliet im Jeilar rar ajelok, ilo kilan wia kake, maron ko an Iroj Edrik, Alap im Senior Dri Jerbal ion Buruon Island non Philip. Alkin Phillip ear etal non Buruon Island im jino an rakiji im jerbale. Im enwot juon nejin Irojlaplap, eber aao eo iben Phillip non an jerbale manit in an Iroj ilo an kar rakiji Buruon Island.

Rikamol an Riabnono eo:

Maureen Langinlur

Helkena Anni

Milton Zackios

Daisy Alik Momotaro

Rikamol an Rijumae Abnono Ro:

Loibwij Kabua

Arby Jeilar

Keyoka Kabua

Kein Kamol an Rijumae Abnono Eo:

Plaintiff Exhibit P1 – Majuro Land Determination of 1958

Plaintiff Exhibit P2 – Kalimur to Roda Labiljet and Hattie Heine Rusin, June 30, 1983

Plaintiff Exhibit P3 – Special Power of Attorney for Hattie, December 4, 1983

Plaintiff Exhibit P5 – LRA filing of Buruon Island by Hattie Rusin, Oct. 25, 2019

Plaintiff Exhibit P6 – Bill of Sale, July 18, 1983

Plaintiff Exhibit P7 – Letter from LRA Director Helkena Anni to Hattie Rusin, Oct. 14, 2019

Plaintiff Exhibit P8 – Letter to LRA from Hattie Rusin, Jan. 16, 2020

Plaintiff Exhibit P9 – High Court Judgment, May 5, 2023

Plaintiff Exhibit P10 – Plaintiff 1st set of Interrogatories to Defendant, Oct. 8, 2023

Plaintiff Exhibit P11 – Defendant Answers to Plaintiff 1st set of Interrogatories, Oct. 24, 2023

Plaintiff Exhibit P12 – Plaintiff 2nd Set of Interrogatories to Defendant, Nov. 21, 2023

Plaintiff Exhibit 13 – Plaintiff 2nd Set of Interrogatories, Dec. 8, 2023

Plaintiff Exhibit 14 – Plaintiff Request for Admission to Defendant, Dec. 13, 2023

Plaintiff Exhibit P15 – Labiliet Lokonwa's Kalimur, Nov. 2, 1982

Plaintiff Exhibit P16 – Daisy Alik Momotaro Lease Payment Check

Plaintiff Exhibit P17 – Death Certificate of Labiliet Lokonwa

Plaintiff Exhibit P18 – Death Certificate of Kabua Kabua

Plaintiff Exhibit 19 – Plaintiff's Notice to Defendant to Cease and Desist burial of their
father on Buruon Island, Jan. 17, 2024

Plaintiff Exhibit P20 – Defendant Keyoka's Affidavit

Kein Kamol an Rijumae Abnono Ro:

Defendant Exhibit A – Bill of Sale (Pepa in Wia Kake)

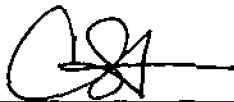
Raan: July 2, 2025



Grace L. Leban
Presiding Judge, TRC



Nixon David
Associate Judge, TRC



Claire T. Loeak
Associate Judge, TRC