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 CLERK, FSM SUPREME COURT
 APPELLATE COURT

THE SUPREME COURT OF
 FEDERATED STATES OF MICRONESIA
 APPELLATE DIVISION

HO EDMOND TULENKUN,)	Appeal No.: K1-2013
)	(State Court Case No.: 46-12)
Appellants.)	
vs.)	
)	
ROBINSON TIMOTHY, in his official)	
Capacity as the Principal Judge of Kosrae)	
Land Court,)	MOTION TO ENLARGE TIME AND
Respondent.)	TO AMEND CAPTION AND FILINGS;
)	MEMORANDUM OF LAW;
)	CERTIFICATE OF SERVICE
HO TULENSRU SEYMOUR,)	
)	
Appellees.)	
_____)	

COME NOW, Heirs of Edmond Tulenkun, Appellants in the above-entitled case, by and through their undersigned counsel, and hereby bring this Motion to Enlarge Time and to Amend the Caption and Filings in this case. This motion is brought pursuant to Rules 26(b) and 27(a) of the FSM Rules of Appellate Procedure, the following Memorandum of Points and Authorities, and any other files and records in this case.

MEMORANDUM OF POINTS AND AUTHORITIES

1. On March 6, 2013, the Kosrae State Court issued an Order Granting Request for Appointment of Alternate Judge.
2. On April 4, 2013, Appellants filed with this court their Notice of Appeal from the Kosrae State Court's March 6th order.
3. On June 11, 2013, this court issued a Notice of Briefing Scheduling.
4. The Appellants were proceeding on this case as *pro se* parties and were not able to prepare the Brief and Appendices.

5. Counsel undersigned filed her Notice of Appearance of Counsel and the Statement of Issues in this case on July 26, 2013.
6. On September 6, 2013, this Court issued an Order Enlarging Time to August 29, 2013, to allow timely filing of Appellants' Opening Brief and Appendices.
7. Counsel has been working on the briefing of another appeals case involving the Heirs of Edmond Tulenkun (Appeal Case No.: K3-2013), a case that shares the same deadline as this case.
8. In the course of preparation and finalization of the Opening Brief and Appendices for filing in K3-2013 and this case (and based on recent work by undersigned counsel in the another appeal case, Kersin Tilfas et al. vs. Heirs of Kilafwakun Lonno, Appeal No.: K-2013,)), counsel undersigned assessed that the Appellants' grievance or issues on appeal brought before this court may be properly addressed through a FSM Appellate Rule 21 Petition to be directed to the Kosrae State Court Chief Justice rather than an appeal from an Order appointing Chief Justice to preside over a Land Court Case. A Petition for Writ of Prohibition is being filed concurrently with this motion, and is submitted to this court in lieu of an Opening Brief and Appendices at this time.
9. The main relief being sought through the Notice of Appeal filed April 4, 2013, is to request that this court finds Chief Justice Aliksa B. Aliksa's Order Granting Request for Appointment of Alternate Judge, thereby appointing himself to a Land Court matter as contrary to law, and to prohibit Chief Justice Aliksa from presiding over a Land Court matter.
10. Counsel undersigned truly regrets that this matter was not brought sooner to this court's attention and thereby respectfully request that this court allows additional time that may be

required in this matter to allow filing and acceptance of this motion and the Petition for Writ of Prohibition.

11. This motion further seeks amendment to the caption and the appellate filings in this case. The caption in the Petition for Writ of Prohibition properly reflects and places the parties appropriately. The caption used at the time of filing of the Notice of Appeal was taken from the same caption used in State Court proceeding. Appellants respectfully request that changes to the caption of this appeal case be made and that the appellate filings in this case be amended to allow Appellants in Appeal Case No.: K3-2013 to proceed in this case as Petitioners through their Petition for Writ of Prohibition.
12. FSM App. R. 27 allows application for relief. Under FSM App. R. 26(b), the Court, for good cause shown, may, upon motion, enlarge the time prescribed for doing any act, or may permit an act to be done after the expiration of such time.
13. Accordingly, Appellants through their undersigned counsel respectfully request an enlargement of time to allow the filing of the Petition for Writ of Prohibition, and to further allow changes to the caption and/or amendment to the appellate filings in case.
14. Counsel undersigned believes that this motion is made in good faith, therefore respectfully request that the court finds the reasons above to be good cause to grant the motion.

I declare under the penalty of perjury that the above is true and correct.

DATED: September 12, 2013.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing motion will be duly served upon the following party via regular mail or hand delivery to the party's last known address on the date indicated below or soon thereafter:

Office of the Attorney General
Kosrae State Government
Tofol, Kosrae 96944

HARRY SEYMOUR, ESQ.
Office of the Public Defender
P.O. Box 245
Tofol, Kosrae FM 96944

Attorney for HEIRS OF TULENSRU SEYMOUR

DATED: September 12, 2013.



YOSLYN G. SIGRAH