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FILED

DATE: 9/13/13 TIME: 9 am/pm

By _____
CLERK, FSM SUPREME COURT
CHUUK
TRIAL DIVISION

IN THE SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA
TRIAL DIVISION-STATE OF CHUUK

CHUUK STATE HEALTH CARE PLAN,)	CIV. ACTION NO. 2012-1027
)	
Plaintiff,)	
)	
FSM NATIONAL GOVERNMENT,)	MOTION TO AMEND
CHUUK DEPARTMENT OF)	COMPLAINT (Rule 15(b))
EDUCATION, And CHUUK STATE,)	
)	
Defendants.)	
)	

Plaintiff, Chuuk State Health Care Plan, by and through its undersigned Counsel, hereby moves the Court for an order permitting amendment to the Complaint in the following particulars as are outlined below, pursuant to Rule 15(b) of the Court's Rules of Civil Procedure.

Background. In the original Complaint, Plaintiff alleged that the FSM National Government was liable to the Plaintiff for overdue and unpaid employee and employer premiums for the periods from October 1, 2008 to and through September 30, 2011 for a total of 78 pay periods, and for current premiums running on a continuing basis for every delinquent pay period after September 30, 2011. Complaint, Para. 6.

On January 3, 2013, the Court entered judgment in favor of the Plaintiff and against the FSM National Government on the issue of liability. In March, 2013, the Administration of the Special Education Program was transferred back to Chuuk State from the FSM National Government.

Rule 15(b), upon motion of a party, essentially permits amendment to the pleadings as may be necessary to conform to the evidence. Rule 15(b), FSM Civ. R. of Proc.


This motion is necessary to reflect the termination point of the FSM National Government's liability for the alleged overdue and unpaid premiums in question in this case, given the transfer of the administration of the Special Education Program back to Chuuk, and the termination of the MOU between the Chuuk State Government and the FSM National Government.

As a result of the transfer of the Administration of the Special Education Program or the termination of the MOU, the FSM National Government should be liable to the Chuuk Health Care Plan for unpaid employee and employer premiums from October 1, 2008 up to March 03 2013 only, for a total of 104 pay periods. Also as a result of such transfer, the Chuuk State Government should be liable for any and all employee and employer premiums from March 04, 2013, forward.

Prior to the filing of this motion, Plaintiff's Counsel has discussed the matter with both Counsels for the FSM National Government and Chuuk State, and both consented to the motion.


Dated: 5/13/13

Respectfully Submitted,

By: 
Johnny Meippen
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have caused Plaintiff's Motion To Amend Pleadings to be served on the FSM National Government Department of Justice and the Chuuk Attorney General's Office, this 13th day of May, 2013.


Johnny Meippen