

**FILED** 2/15/13  
 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ am/pm  
 By:       
 CLERK, FSM SUPREME COURT  
 KOSRAE  
 TRIAL DIVISION

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4 Attorney for Plaintiff  
 5 NORTH BAY TRADING CO., INC.

6 **IN THE SUPREME COURT OF THE**  
 7 **FEDERATED STATES OF MICRONESIA**  
**TRIAL DIVISION - KOSRAE STATE**

8 NORTH BAY TRADING CO., INC., ) CIVIL CASE No. 2009-2005  
 )  
 9 Plaintiff, ) MOTION FOR WRIT OF GARNISHMENT  
 ) IN SUPPORT OF STIPULATED ORDER  
 10 v. ) IN AID OF JUDGMENT  
 )  
 11 HENRY ROBERT d/b/a YHR STORE, )  
 )  
 12 Defendant. )  
 )  
 13 \_\_\_\_\_ )

14 Plaintiff North Bay Trading Co., Inc., through counsel,  
 15 hereby moves the court to schedule a telephonic hearing on  
 16 February 26, 2013 on this motion for imposition of a writ of  
 17 garnishment to give effect to the terms of the pending order in  
 18 aid of judgment.

19 The grounds for this motion are that the parties stipulated  
 20 to issuance of an order in aid of judgment requiring the  
 21 defendant Henry Roberts to arrange for bi-weekly payroll  
 22 allotments of no less than \$60.00 starting July 15, 2012 and  
 23 continuing thereafter until the judgment is fully satisfied.  
 24 The stipulation setting forth these terms was filed with the  
 25 court on August 10, 2012 and the court order approving its terms

1 was entered on August 23, 2012. Since that time, however, the  
2 defendant has only made two \$120 installment payments, neither  
3 of which occurred through payroll allotments as agreed and  
4 ordered by the court.

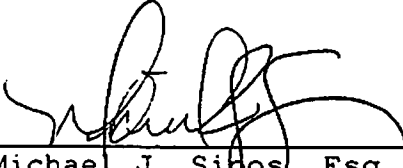
5 These payments are the equivalent of only four of the  
6 required bi-weekly allotment payments, which would have brought  
7 the defendant current through the end of October 2012 if the  
8 August 23, 2012 date of entry of the court order is used as the  
9 starting point. Of further significance is that the terms of  
10 the stipulation required the payments to begin in July 2012,  
11 which was shortly after the parties met in Kosrae, agreed to  
12 these terms, and conveyed their agreement to the court during  
13 the OIA hearing in late June 2012. Either way the defendant has  
14 fallen far behind in making the required payments and is in  
15 violation of the terms of the order requiring payments to occur  
16 through allotments. Indeed, the allotment requirement was  
17 specifically included to prevent this failure of payment from  
18 occurring.  
19

20 To right this wrong the plaintiff respectfully requests the  
21 court to issue a writ of garnishment directing defendant's FSM  
22 Election Commissioner employer to allot these required  
23 installments payable to the undersigned on behalf of plaintiff  
24 by direct deposits to the Michael J. Sipos Client Trust Account  
25 - Bank of Guam Acct. # 0209-193891. The requested writ is

1 allowed pursuant to 6 F.S.M.C. 1405(2) and as otherwise  
2 permitted under the authority of Bank of Guam v. Eliwise, 4 FSM  
3 Intrm. 150 (Pohnpei 1989).

4           Respectfully submitted.

5  
6 Dated: February 13, 2013


  
\_\_\_\_\_  
Michael J. Sigos, Esq.  
Attorney for Plaintiff  
North Bay Trading Co.

7  
8  
9                           Certificate of Service

10           I certify that on March 14, 2013 I mail served a true and  
11 correct copy of plaintiff's motion for writ of garnishment on  
12 the following:

13  
14 Henry Robert  
15 C/O FSM Election Commission Office - Kosrae  
16 P.O. Box 340  
17 Kosrae State, FM 96944

MAIL

18                             
\_\_\_\_\_  
Maiumy Halbert