

FILED

3/9/12

DATE: TIME: am/pm

By LUW
CLERK, FSM SUPREME COURT
KOSRAE
TRIAL DIVISION

FEDERATED STATES OF MICRONESIA
DEPARTMENT OF JUSTICE
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Attorneys for the Federated States of Micronesia

IN THE SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA
TRIAL DIVISION – KOSRAE STATE

BETSY ROSE MONGKEYA, et al,)	CIVIL ACTION NO. 2010 - 2002
As personal representatives of)	
JODAI MONGKEYA, Deceased,)	
)	
Plaintiff,)	
)	
vs.)	DEFENDANTS DR. JAMES REESE,
)	DR. JAMAL MUSTAFA, and
)	CANVASBACK MISSIONS, INC.,
KOSRAE STATE GOVERNMENT,)	SECOND MOTION FOR
KOSRAE STATE HOSPITAL, DR.)	ENLARGEMENT OF TIME
WINSTON LIKIAKSA, in his official)	
Capacity, Dr. James Reese, Dr. Jamal)	
Mustafa, and Canvasback Missions, Inc.)	
)	
Defendants.)	

COMES NOW, the Defendants, by and through its counsel, the FSM Department of Justice, hereby files its Second Motion for Enlargement of Time, to allow Defendants additional time to complete its Discovery.

This motion is made pursuant to Rule 6 (b) of the FSM Supreme Court Rules of Civil Procedure, applicable jurisprudent, filed for good cause and is based on Memorandum of Points and Authorities attached hereto and incorporated herein by reference together with the files and records of this case.

MEMORANDUM OF POINTS AND AUTHORITIES

The Defendants are respectfully requesting a second enlargement of time to file its Discovery, as the Discovery deadline set by the Court during the last scheduling conference was set for February 17, 2012, and was extended to March 9, 2012. Counsel for defendants has received all discovery materials from Dr. James Reese, but the materials received by Dr. Jamal Mustafa is incomplete, namely, several questions remained unanswered. Counsel for defendants has contacted Dr. Mustafa to complete answering the discovery materials and forward it as soon as possible. The defendants will file all discovery materials that is completed on the date of this filing, but are requesting additional time to complete the discovery of Dr. Mustafa.

The Defendants are requesting this honorable Court to allow the filing of its response pursuant to Rule 6 (b) of the FSM Rules of Civil Procedure, which states:

(b) Enlargement. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specific time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under rules 52(b), 59(b), (d) and (e), and 60(b), except to the extent and under the conditions stated in them.

Most of the discovery materials has been sent from the doctors in California and has been received by the FSM Department of Justice. However, Dr. Jamal Mustafa still has to complete all discovery materials to be submitted for filing. As of the time of

filing this motion, defense counsel has emailed the other attorney's involved in this matter regarding the request for extension, and has only received acknowledgement and agreement from attorney Snyder Simon. Counsel for the Defendants is requesting an additional ten (10) days to complete its discovery in this case

Dated: March 9, 2012

Respectfully submitted,



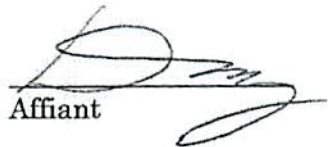
Daniel Rescue Jr.
Assistant Attorney General

AFFIDAVIT IN SUPPORT OF SECOND MOTION FOR ENLARGEMENT OF
TIME


I, Daniel Rescue Jr., after being duly sworn, depose and state the following:

1. That I am a bonofide citizen of the Federated States of Micronesia (FSM), residing in the State of Pohnpei;
2. That I am currently employed by the FSM Department of Justice as an Assistant Attorney General, and have been assigned Civil Action 2010-2002;
3. That I have sent all discovery materials to Dr. James Reese and Dr. Jamal Mustafa to provide answers, and to return those answers to me for filing;
4. That I have received all materials from Dr. James Reese, but have only received materials that are incomplete by Dr. Jamal Mustafa;
5. That several questions in the discovery materials from Dr. Jamal Mustafa remained unanswered;
6. That I have request Dr. Mustafa to complete all discovery materials and send them to me for filing;
7. That I have contacted attorneys Marstella Jack and Snyder Simon regarding the extension in this matter;
8. That as of the time of filing this motion, I only received acknowledgment and agreement from attorney Snyder Simon;
9. That the foregoing information is true and correct to the best of my knowledge.

Dated: March 9, 2012


Affiant

Subscribed and sworn to before me this 9th day of March 2012.


Notary Public

CADALINA K. DONRE, NOTARY PUBLIC
Federated States of Micronesia
Dohnpei State
MY COMMISSION EXPIRES ON
14 DAY OF March, 2013

