

FILED
DATE: 6/27/12 TIME: am/pm
By:
CLERK, FSM SUPREME COURT
KOSRAE
TRIAL DIVISION

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

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4 **FSM DEVELOPMENT BANK,**)
5)
6 **Plaintiff,**)
7)
8 **Vs.**)
9)
10 **JOAB EDMOND, MAGILINA, ALIK**)
11 **EDMOND; SENELY EDMOND, RODNEY**)
12 **EDMOND, KENYE R. EDMOND, RANDY**)
13 **EDMOND, KAREN EDMOND, RAMSIN**)
14 **EDMOND, FLORA EDMOND,**)
15 **MAKOTO EDMOND,**)
16)
17 **Defendants.**)
18)
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CIVIL ACTION NO. 2009-2003

**MOTION TO APPEAR PRO
HAC VICE; MEMORANDUM
OF POINTS AND
AUTHORITIES; AFFIDAVIT
OF CHARLTON M. TIMOTHY**

Defendants' Counsel, pursuant to FSM Rules of Admission ("Rules of Admission") at Rules I(B) and II(B), files his Motion to Appear Pro Hac Vice as Defendant's counsel in the above captioned action.

MEMORANDUM OF POINTS AND AUTHORITIES

The undersigned Counsel is not admitted to practice before the FSM Supreme Court. However, he is admitted to practice law before the Kosrae State Court and now seeks the Court permission to allow him to represent the Defendants Joab Edmond and Magilina Edmond in the instant case.

The undersigned counsel filed this motion to appear pro hac vice to represent the Defendants in the instant action pursuant to Rules I(B) and II(B). The following points and authorities support the undersigned's application to appear pro hac vice for Defendants Joab Edmond and Magilina Edmond. Rule I(B) states as follows:

1 **B. Trial Counselors.** Any citizen of the Federated States of Micronesia
2 who has been certified and is entitled to practice as a trial counselor before the
3 highest court in any state within the Federated States of Micronesia shall be
4 certified as a trial counselor entitled to practice law, under the supervision of an
5 attorney, before the Supreme Court, upon tendering to this Court satisfactory proof
6 of facts and moral and character certification with compliance with paragraph II.B.
7 of these Rules of Admission.

8 Admitted to practice law before the Kosrae State Court, the undersigned has been
9 practicing law as a trial counselor for more than ten years. He has been a trial counselor for
10 the Micronesian Legal Services Corporation (hereinafter "MLSC"), Kosrae Office, for more
11 than five years. He works under the direct supervision of the Directing Attorney of the
12 Kosrae MLSC Office.

13 Furthermore, Rule II(B) prescribes the moral and character standing of a trial
14 counselor who applies to appear pro hac vice before the FSM Supreme Court, as follows:

15 **B. Morals and Character Requirements** – Each applicant certified that no
16 criminal charge, or charge of violations of professional responsibilities, is currently
17 pending against the applicant, and that the applicant has never been convicted of any
18 crime or found guilty of violation of professional ethics or responsibilities. If any
19 such charges, convictions, or findings or violations of professional responsibilities are
20 pending or have been made against the applicant these shall be certified and described
21 in detail in the application and will be subject to further investigation by the court....

22 The undersigned counsel has no criminal charge, or ethical violation charges
23 against him pertaining to his professional responsibilities. Moreover, he has no past
24 convictions of any crime or found guilty of violation of professional ethics or
25 responsibilities.

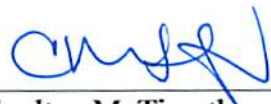
26 The undersigned counsel had appeared on June 20, 2012 as the counsel for
27 Defendants Joab Edmond and Magilina Edmond in the FSM Development Bank v. Joab
28 Edmond, et. al, action (FSM Supreme Court Civil Action 2003-2009) under the supervision
of Attorney Canney Palsis, Directing Attorney of the MLSC, Kosrae Office. By the

1 instruction of the FSM Supreme Court, the undersigned counsel files this motion to
2 represent Defendants Joab Edmond and Magilina Edmond in the case at bar.

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4 Based on the foregoing, the undersigned counsel hereby files his application for the
5 honorable Court to grant him his request to appear pro hac vice in this case to represent
6 Defendants Joab Edmond and Magilina Edmond.

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8 Respectfully submitted,
9 Micronesian Legal Services Corp.

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11 Dated: 6/27/12


12 _____
13 Charlton M. Timothy
14 P.O. Box 38
15 Tofol, Kosrac, FM 96944
16 Tel. No. 370-3032
17 Fax. No. 370-2232

AFFIDAVIT OF CHARLTON M. TIMOTHY

I, Charlton M. Timothy, being first duly sworn, depose and state under oath the following facts:

1. I am a citizen of the Federated States of Micronesia and a resident of the State of Kosrae.
2. I have been practicing law before the Kosrae State Court for more than ten years.
3. I have been a trial counselor with the MLSC, Kosrae Office for more than five years.
4. I have no past criminal convictions or violations of any professional ethics law.
5. I have no pending criminal charges or ethical violations charges pertaining to my professional responsibilities.

Charlton M. Timothy

Charlton M. Timothy

SUBSCRIBED AND SWORN before me this 27th day of June 2012.




LOUISA H. NENA
 NOTARY PUBLIC
 State of Kosrae, Federated States of Micronesia
 My Commission expires on the
12th day of June 2013

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 27th day of June 2012, a true and correct copy of the above Motion to Appear Pro Hac Vice was served on the Plaintiff FSM Development Bank.



Charlton M. Timothy