


FILED
 1/7/15 TIME: 1:40
 By: 
 CLERK, FSM SUPREME COURT
 Pohnpei

1 Law Office of Marstella E. Jack
 P.O. Box 2210
 Kolonia, Pohnpei FSM 96941
 2 Phone (691) 320-7400; Fax (691) 320-4002
 ejacklaw@gmail.com

3 *Counsel for Plaintiff*

4 **IN THE SUPREME COURT OF**
 5 **THE FEDERATED STATES OF MICRONESIA**
 6 **TRIAL DIVISION - STATE OF POHNPEI**

7 **ENERGY INFRASTRUCTRE GLOBAL) CIVIL ACTION NO. 2013-38**
 8 **(EIG),)**

9 **Plaintiff,**

10 **v.**

11 **POHNPEI UTILITIES CORPORATION)**
 12 **(PUC), MARCELINO ACTOUKA as)**
 13 **GENERAL MANAGER, BOARD OF)**
 14 **DIRECTORS OF PUC, and FSM)**
 15 **PETROLEUM CORPORATION)**
 16 **(PETROCORP).)**

17 **Defendants.**

MOTION TO RULE

18 COMES NOW, Plaintiff, by and through the undersigned
 19 counsel, and hereby moves the Court to rule on the pending
 20 motion to dismiss. This motion is based on the interest of
 21 justice, good cause and the following memorandum of points and
 22 authorities.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 The Plaintiff initiated this Complaint on December 23,
 25 2013. The Defendant responded with a Motion to Dismiss. A

1 hearing on that dismissal motion was held and the Court
2 instructed the Plaintiff to clarify the causes of action stated
3 in the Complaint before Defendant PUC's motion could be
4 entertained. The Plaintiff amended the Complaint in June 2014
5 and added an additional named defendant FSM Petrocorp. FSM
6 Petrocorp filed their Answer and Affirmative Defenses on June
7 20, 2014.

8
9 In June, Defendant PUC supplemented its Motion to Dismiss
10 and Plaintiff replied in support of its opposition to the
11 motion. The reply in support of the opposition was filed and
12 served on July 14, 2014 and since then, the court has not issued
13 any rulings yet on Defendant PUC's motion to dismiss. Plaintiff
14 request that the Court rules on the pending motion to dismiss to
15 expedite the proceedings and avoid any unnecessary delays.
16

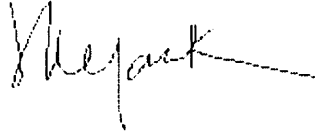
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18 Rule 6(d) certification: Opposing counsels have not been
19 contacted about this particular motion because it is anticipated
20 that they would not oppose its intent which is to expedite these
21 proceedings.
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CONCLUSION

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2 Based on the above arguments, the Court is kindly requested
3 to rule on the pending motion.

4 Date: 7 January 2015

Respectfully Submitted:

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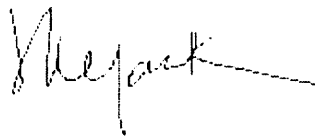
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8 _____
9 Marstella E. Jack
Counsel for EIG

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12 **CERTIFICATE OF SERVICE**

13 This is to certify that the undersigned served a true and
14 correct copy of the above going motion to rule on the
15 Defendants' counsels by email and hand delivery to the
following:

16 Pohnpei Utilities Corporation via Hand Delivery
17 Kolonia, Pohnpei FSM 96941

18 Ramp and Mida via Email
19 Counsel for FSM Petrocorp
20 Kolonia, Pohnpei FSM 96941

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22 

23
24 _____
25 Marstella E. Jack