

FILED
 2/20/13 12:50
 DATE: _____ TIME: _____ am/pm
 By: *[Signature]*
 CLERK, FSM SUPREME COURT
 YAP
 TRIAL DIVISION

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

THE PEOPLE OF THE MUNICIPALITY OF)	CIVIL ACTION NO. 2011-3002
EAURAPIK, YAP STATE, by and through SANTOS)	
SARONGELFEG , and the FEDERATED STATES)	
OF MICRONESIA,)	
)	
Plaintiffs,)	
)	PLAINTIFF, FEDERATED STATES OF
vs.)	MICRONESIA’S MOTION FOR ENLARGEMENT
)	OF TIME TO FILE RESPONSE TO COURT
F/V TERAKA 168, in rem, its engines, masts,)	ORDER OF JANUARY 22, 2013
bowspiritis, boats, anchors, chains, cables,)	
rigging, apparel, furniture, and all necessities)	
thereunto pertaining,)	
)	
In Rem Defendants,)	
)	
YUH YOW FISHERY COMPANY LTD.,)	
MARIN MARAWA, LTD, (Owner), MASANAGA)	
SHIMAZU (Captain),)	
)	
In Personam Defendants.)	
)	
)	
)	

The FSM National Government, by and through their counsel, the FSM Department of Justice, hereby file a Motion for Enlargement of Time pursuant to Rule 6 (b) of the FSM Rules of Civil Procedure, and the following Points and Authorities.

POINTS AND AUTHORITIES

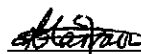
On January 22, 2013, the Court issued an Order instructing the Plaintiff Federated States of Micronesia (FSM) and the Class Plaintiff, to challenge or correct the calculation of the Limitation of Liability Fund amount as expressed in that order. The Plaintiffs were given until February 18, 2013 to submit their comments. The FSM requests this court to be allowed to file

its response after this due date as counsel for the FSM is involved in a trial which has been ongoing since last Thursday, February 14, 2013 to date. (see affidavit of counsel for FSM attached as Annex 1). The FSM respectfully submits that this failure to act amounts to excusable neglect in light of Rule 6 (b) of the FSM Rules of Civil Procedure, which provides as follows:

(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.

Dated: February 20, 2013

Respectfully submitted,



Pole Atanraoi-Reim.
Assistant Attorney General
FSM Dept. of Justice

AFFIDAVIT OF POLE ATANRAOI-REIM.

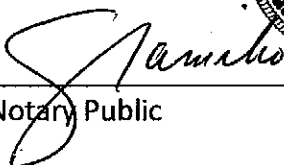
I, Pole Atanraoi-Reim, after being duly sworn, depose and state the following:

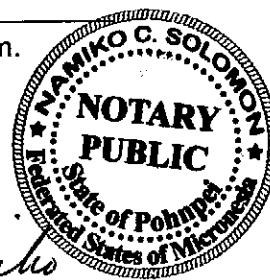
1. that I am of sound mind and body;
2. that I am currently employed by the FSM Department of Justice as an Assistant Attorney General;
3. that I am assigned to CIVIL ACTION NO. 2011-3002;
4. that since Thursday, February 14, 2013, I have been in court, and am the current prosecutor in a matter which went to trial on Friday, February 15, 2013, Monday, February 18, Tuesday, February 19, and which will resume again at 2 p.m this afternoon.

Dated: February 20, 2013


Pole Atanraoi-Reim.

Subscribed and sworn to before me this 20th day of February, 2013


Notary Public



NAMIKO C. SOLOMON, NOTARY PUBLIC
Federated States of Micronesia
Pohnpei State
MY COMMISSION EXPIRES ON THE
28th DAY OF June 20 13

CERTIFICATE OF SERVICE

I, Adriano, hereby certify that I have served a true and correct copy via mail
a copy of Plaintiff's Motion for Enlargement of Time and FSM Plaintiff's response to court order
of January 22, 2013, to the following:

FSM Supreme Court, Yap
P.O. Box 546
Yap, FSM, 96943

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