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FILED
5/20/13 2:45
DATE: TIME: am/pm
By: *[Signature]*
CLERK, FSM SUPREME COURT
YAP
TRIAL :

Counsel for Defendants

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

FEDERATED STATES OF MICRONESIA,)
)
)
Plaintiff,)
)
)
v.)
)
)
KUO RONG 113, a long line)
fishing vessel, HUNG YAO)
CHANG (Captain of the fishing)
vessel, SYU BEI-JING (Permit)
holder), and LUEN THAI FISHING)
VENTURE, LTD., (Company),)
)
)
Defendants.)
)
)
_____)

Civil Action No. 2013-3001

MOTION TO FILE BY FACSIMILE

MOTION TO ENLARGE TIME
TO RESPOND TO THE COMPLAINT

TO THE HONORABLE COURT AND ALL PARTIES:

This office enters an appearance as legal counsel for all defendants.

The defendants, by and through counsel, hereby move for an order of the Court to allow filing by facsimile. Pursuant to General Court Order, 1990-1, defendants move the Court to be allowed to file this Motion to Enlarge Time by facsimile, on the basis that the Court might not receive a filing by mail in time prior to the due date for the responsive pleading.

The defendants move for an enlargement of time to file a responsive pleading to the complaint filed in this matter. This motion is supported by the attached Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

FACTS

The Federated States of Micronesia filed a complaint in this matter on May 6, 2013. The complaint was served on this office on May 7, 2013. This office was only authorized at that time to accept service for Luen Thai Fishing Venture, Ltd. It is believed the other defendants were served directly. This counsel is now authorized to represent all defendants at this time. Unfortunately, plaintiff's counsel in order to respond to a family medical emergency must leave the FSM to fly to the United States on the May 20, 2013, flight to Guam then the U.S. At this point, counsel is scheduled to return to the FSM on June 11, 2013. Counsel seeks until June 17, 2013, to respond to the complaint on behalf of all defendants.

ARGUMENT

Rule 6(b) of the FSM Rules of Civil Procedure 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 notice order the period enlarged if request therefore 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) or (e), and 60(b), except to the extent and under the conditions stated in them."
(Emphasis added).

This motion is made because of the emergency travel required by counsel.

Rule 6(d)

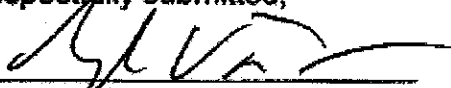
This counsel sent an email requesting this enlargement to April Skilling, Secretary of the Department of Justice, on Saturday, May 18, 2013. She did not object to the enlargement.

CONCLUSION

For the foregoing reasons, defendants seek to be allowed to file by facsimile and seek the granting of the foregoing enlargement.

Dated: 5-19-13

Respectfully submitted,



Stephen V. Finnen
A Law Corporation
Attorneys for Plaintiff
LUEN THAI FISHING VENTURE, LTD.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I caused to have a copy of the Motion to Enlarge Time, by having it delivered to counsel for defendants at the address listed below, in the manner stated below. Service was made this 20th day of May, 2013.

April Skilling
Secretary
FSM Department of Justice
Palikir, Pohnpei, FM 96941

Dated: May 20th 2013