

**FILED**  
 DATE: 5/29/13 TIME: 1:45 pm  
 By:   
 CLERK, FSM SUPREME COURT  
 POHNPEI  
 TRIAL DIVISION

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 4  
 5 Attorney for Plaintiff  
 ADAMS BROTHERS CORPORATION

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

9	ADAMS BROTHERS CORPORATION,	)	CIVIL CASE No. 2010-016
		)	
10	Plaintiff,	)	MOTION TO ENLARGE TIME
		)	
11	v.	)	
		)	
12	SS THORFINN, her engines,	)	
	tackle, machinery, equipment,	)	
13	appurtenances, etc.	)	
		)	
14	In Rem Defendant,	)	
		)	
15	And,	)	
		)	
16	SEAWARD HOLDINGS MICRONESIA,	)	
	INC., LANCE HIGGS, ASSOCIATED	)	
17	MARINE INSURERS AGENTS PTY.,	)	
	LTD.,	)	
18		)	
		)	
19	In Personam Defendants.	)	
		)	
20		)	

21  
 22 Comes now plaintiff Adams Brothers Corporation, and  
 23 requests a 23-day enlargement of time pursuant to FSM Civil Rule  
 24 6(b) extending the time within which the parties shall submit a  
 25 joint plan for discovery and a proposal for further proceedings

1 until June 21, 2013, which is one week after the parties have  
2 been ordered to report on their efforts to settle with details  
3 on the steps taken toward settling.

4 This motion, which is made pursuant to FSM Civil Rule 6(d),  
5 is grounded on the fact that the parties are in the course of  
6 meeting and conferring on settlement with offers to settle  
7 having been exchanged by both sides but without any response  
8 having been provided by the defendants to plaintiff's  
9 outstanding demand. Until such time as it becomes apparent that  
10 settlement will not occur by June 14, 2013 or that the parties  
11 remain in disagreement on all unresolved issues in the case,  
12 planning for discovery and proposing proceedings that may not be  
13 necessary will not be an efficient use of time and resources.

14 Additionally, plaintiff's counsel will remain off island  
15 though the end of July 2013 regardless. There will therefore be  
16 adequate time to plan for the taking of depositions starting in  
17 August 2013 following counsel's return to Pohnpei, and to report  
18 on those plans by June 21, 2013 if settlement does not occur  
19 before then.

20 FSM Civil Rules, Rule 6(b) controls this motion. It  
21 provides in pertinent part as follows:

22 (b) Enlargement. When by these rules or by a notice given  
23 thereunder or by order of court an act is required or allowed  
24 to be done at or within a specific time, the court for cause  
25 shown may at any time in its discretion (1) with or without

1 motion or notice order the period enlarged if request  
2 therefor is made before the expiration of the period  
3 originally prescribed or as extended by a previous order, or  
4 (2) upon motion made after the expiration of the specified  
5 period, permit the act to be done where the failure to act  
6 was the result of excusable neglect....

7  
8 CERTIFICATION OF COUNSEL

9 Counsel for the undersigned hereby certifies that he  
10 exchanged e-mails with opposing counsel, Richard Johnson, Esq.  
11 as part of the "meet and confer" requirements of Rule 6(d) in an  
12 effort to obtain his acquiescence in this requested 23-day  
13 enlargement of time, but he declined to agree. The undersigned  
14 also indicated his client's position on taking depositions as  
15 the preferred method of resolving disputed issues of material  
16 fact at this stage of discovery and confirmed that such  
17 discovery will not be possible before August 2013 based on the  
18 undersigned's off island status.

19 Respectfully submitted,

20 Date: May 28, 2013

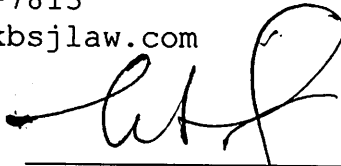


21 \_\_\_\_\_  
22 Michael J. Sipos  
23 Attorney for Plaintiff  
24  
25

1 Certificate of Service

2 I certify that on May 29, 2013 I served a true and correct  
3 copy of plaintiff's motion to enlarge time on the defendants by  
4 mailing to their attorney of record with a courtesy copy also  
5 sent by e-mail as follows:

6 Richard. Johnson, Esq.  
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15 E-mail: rljohnson@kbsjlaw.com

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17 \_\_\_\_\_  
18 Maiumy Halbert