

**CABOT
MANTANONA LLP**
Edge Building, Second Floor
929 South Marine Corps Drive
Tamuning, Guam 96913
Telephone (671) 646-2001
Facsimile (671) 646-0777

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[Signature]
F.S.M. SUPREME COURT
YAP
TRIAL DIVISION

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

THE PEOPLE OF THE MUNICIPALITY OF EAURAPIK, YAP)
STATE, by and through SANTUS SARONGELFEG, JOHN)
HAGLELGAM, and MOSES MOGLIG,)

Plaintiffs,)

vs.)

F/V TERAKA NO. 168, F/V YUH YOW 127, their engines, masts,)
bowsprits, boats, anchors, chains, cables, rigging, apparel, furniture,)
and all necessities thereunto pertaining,)

In Rem Defendants.)

YUH YOW FISHERY COMPANY, LTD., MARIN MARAWA,)
LTD., MASANAGA SHIMAZU, MALAYAN TOWAGE AND)
SALVAGE CORPORATION, HSIN HORNG FISHERY CO., LTD.,)
EDGAR R. PELEAZ, and CITY PRO MANAGEMENT, LTD.,)

In Personam Defendants.)

FEDERATED STATES OF MICRONESIA,)

Plaintiff in Intervention,)

v.)

F/V TERAKA NO. 168, its engines, masts, bowsprits, boats, anchors,)
chains, cables, rigging, apparel, furniture, and all necessities thereunto)
pertaining,)

In Rem Defendant,)

YUH YOW FISHERY COMPANY, LTD.,)
MARIN MARAWA, LTD., and MASANAGA SHIMAZU,)

In Personam Defendants.)

CIVIL ACTION NO. 2011-3002

**DEFENDANTS' NOTICE OF
INTENT TO FILE SUR-REPLY
TO PLAINTIFFS' MOTION
FOR LEAVE TO AMEND
COMPLAINT;
DECLARATION OF SERVICE**

COMES NOW all appearing Defendants and submits a notice of intent to file a sur-reply to address significant disputed issues submitted in Plaintiffs' reply brief.

On July 8, 2013, Plaintiffs filed their reply brief in support of their motion to amend the complaint, citing voluminous correspondence and discovery as justification for the amendments. Nineteen exhibits consisting of emails and letters between counsels and discovery spanning the last one and a half years were appended to Attorney Berman's affidavit. Although most if not all of the exhibits have no real bearing on the legal issue to be decided in a motion to amend, it becomes clear that there are significant disputed issues raised by Plaintiffs' one-sided correspondence and their reply brief. Defendants should have an opportunity to address these concerns. As such Defendants shall file a sur-reply no later than July 15, 2013 to address the Plaintiffs' reply.

DATED: July 9, 2013 at Tamuning, Guam.

CABOT MANTANONA LLP
Attorneys for Defendants

By: /s/ Helkei S. Hemminger
HELKEI S. HEMMINGER

DECLARATION OF SERVICE

I, **HELKEI S. HEMMINGER** hereby declare that on July 9, 2013 I will cause to be served, via email a true and correct copy of the foregoing **DEFENDANTS' NOTICE OF INTENT TO FILE A SUR-REPLY TO PLAINTIFFS' MOTION TO AMEND COMPLAINT** upon Plaintiffs' Counsel of record as follows:

Daniel J. Berman, Esq.
Berman O'Connor & Mann
Bank of Guam Bldg., Ste. 503
111 Chalan Santo Papa
Hagatna, Guam 96910

Joseph C. Razzano, Esq.
Joshua D. Walsh, Esq.
Civille & Tang
330 Herman Cortez Ave., Ste 200
Hagatna, Guam 96910

Pole Atanraoi, Esq.
Department of Justice
Federated States of Micronesia
P.O. Box PS-105
Palikir, Pohnpei FM 96941

Executed this 9th day of July 2013 at Tamuning, Guam.

/s/ Helkei S. Hemminger
HELKEI S. HEMMINGER