

FILED 12:15 pm
DATE: 8/12/14 TIME: am/pm
By: [Signature]
CLERK, FSM SUPREME COURT
POHNPEI TRIAL DIVISION

IN THE SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA
TRIAL DIVISION POHNPEI STATE

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PATRICK ZACCHINI,

Plaintiff,

v.

FSM PUBLIC AUDITOR
HASER HAINRIK, et al.,

Defendants.

CIVIL ACTION NO.: 2012-018

ORDER

On June 27, 2014, this court issued a scheduling Order setting trial in this matter for November 19, 2014. On July 30, 2014, defendants, through attorney Erick Divinagracia, submitted Defendants' Motion for Enlargement requesting that the trial be rescheduled by approximately two weeks; set to begin the first week of December.

Pursuant to FSM Civ. R. 6(b), this court has the discretionary authority to grant enlargements. When timely filed, "[s]uch requests may be granted just for cause shown." Medabalmi v. Island Imports Co., 10 FSM Intrm. 217, 218 (Chk. 2001). Under the cause shown standard, the court held that the moving party must simply demonstrate "some justification." People of Eauripik ex rel. Sarongelfeg v. F/V Teraka No. 168, 18 FSM Intrm. 461, 466 (Yap 2012). That court also held these motions "will normally be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party." *Id* (citation omitted).

In support of this motion attorney Divinigracia represents that he will be off island, in Jeju, South Korea, as required by his obligations as the President of the


1 Federated States of Micronesia Boxing Association (FSMBA). This meeting is necessary
2 prerequisite for FSM athletes to participate in the sport of boxing at the Olympic games.
3 In further support of this motion he represents that the plaintiff has been contacted and
4 agrees to reschedule the trial. This motion is filed well before the expiration of the
5 deadline.

6 Upon CONSIDERATION, the court find cause exists, the motion is made in good
7 faith, and that the plaintiff will not be prejudiced thereby. Therefore the court VACATES
8 the previous scheduling Order and sets the following trial schedule:

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- 10 1) **Pretrial Statements.** The Parties shall file their Pretrial Statements at
11 the Clerk's Office, FSM Supreme Court, no later than Monday,
12 December 8, 2014. The Court prefers the filing of a Joint Pretrial
13 Statement and encourages the parties to do so, if it is possible. If not,
14 the Parties may file separately. The Pretrial statement shall identify the
undisputed issues of law and disputed issues of law; undisputed issues
of material fact and disputed issues of material fact; a list of witnesses
with a brief description of their anticipated testimony, list of exhibits,
and the estimated length of trial.
 - 15 2) **Pretrial Conference.** A Pre-trial Conference is set for Monday,
16 December 15, 2014, at 9:30AM, at Palikir, FSM Supreme Court, to
17 address pending pretrial issues and to label exhibits in preparation for
trial, stipulate to the authenticity and admissibility of those exhibits,
and file the same with the Clerk's Office, FSM Supreme Court, no
18 later than December 15, 2014.
 - 19 3) **Trial** is set to commence on Wednesday, December 17, 2014, at
20 9:30AM, Palikir, FSM Supreme Court.
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It is so ORDERED this 11th day of August, 2014.



Hon. Bealeen Carl-Worswick
Associate Justice
FSM Supreme Court

ENTERED this 12th day of August, 2014.



Clerk of FSM Supreme Court